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All the old employees will be taken back except where indictments have been found, and they will be re-charge the charges against them. All will receive their wages who deserted the union and went back to work without the employ of the company.

The Hudson Valley men will sever their relations with the Troy union, and organize a division of their own to enter into a contract with any organization that will employ and discharge whom they please, but will not employ union or non-union men.

The case of Osgood, who was discharged on the Waterford division, remains as it stood originally. Josselyn will give Osgood a hearing and report his findings.

Hereafter all grievances will be heard and decided by the manager.

The net result of the strike was, therefore, a loss of ten cents per day in wages and the secession of the employees from the Troy union to form a local union. The struggle is said to have cost the company the wages of 10,000 employees lost over 10,000 day's work, the company incurred an expense of about \$50,000 in the strike, and Glens Falls trades people suffered a loss of \$10,000. Five persons were indicted for rioting, two of whom had been convicted and committed to prison for 30 days respectively in default of fines.

Finally, Howard Osgood, whose discharge from the strike, was given a hearing on November 21st and was reinstated in the service, the general opinion is that he had been unjustly discharged.

New York City Plasterers

When the Manhattan Borough Operative Plasterers' Association (local No. 25 of the International Association of Plasterers) made a successful demand for an increase in wages to 15 cents per day in the spring of this year, it adopted a set of laws governing trade matters. These regulations were subsequently printed in pamphlet form, and distributed to Foremen Plasterers and Information Committees. The provisions contained therein met with opposition on the part of the Plasterers' Association and eventually precipitated a strike of the latter's employees. The particular

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New York City Plasterers
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printed in pamphlet form, headed
"Plasterers and Information for Em-
ployees" provisions the enforcement of which
opposition on the part of the Em-
ployers and eventually precipitated a
series of employees. The particular seri-

objection was made were embodied in five of the
that comprised the trade rules, and were as follows:

"Foremen."

"Section 1. Any member desiring to act in the capacity
not be less than six months in good standing in this so-
ciety see that all men working under him are in good standing

"§ 2. * * * Should the employer hire a non-member
said foreman he (the foreman) must report the fact to the
first Tuesday or Thursday evening. Should he fail to do
so he is immediately becomes responsible to this society for the initiation
of a new member.

"§ 3. * * * If plans and specifications are not on
[the foreman] must inform the delegate of this society
before they are seen. * * *

"§ 4. Any foreman insisting on rushing the men or the
condition of affairs that would be detrimental to the
society, or failing to do his duty as herein prescribed, or
preferred against him, the delegate shall suspend him, and
suspended until tried on said charges. Should he be
found guilty shall for the first offense be fined the sum of \$50, or he shall
be recognized as a foreman for a term of three years, at the option
of the society and for the second offense he shall be fined not less than
\$100 and again be recognized as a foreman by this society.

"§ 5. Any foreman who shall injure his fellow member
his employers, for a refusal to violate the laws, or for taking
part in the affairs of this society, when found guilty, he shall
be recognized as a foreman by this society.

"Scale of Work."

"Section 1. In tenement houses where there are ten rooms
or hallway to each floor or flat, the time for scratch coat
hallway on said flat or floor shall be two days, or one day
for two men.

"§ 2. The time for browning in said tenement houses
and hallway shall be six days, or three days each for two
men.

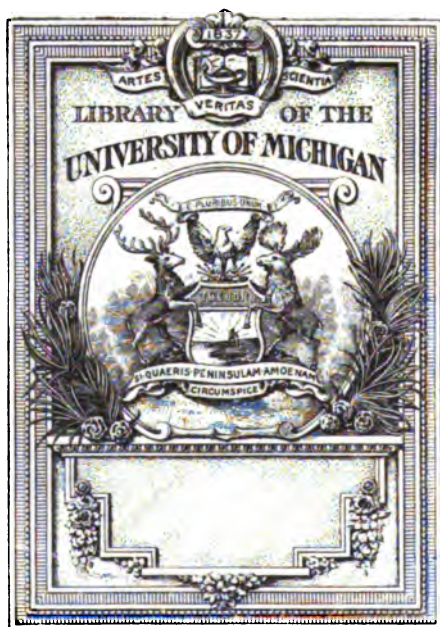
"§ 3. In browning where there are extra rooms or extra
hallway shall be extra proportionate time allowed.

"§ 4. The time for hard finishing ten rooms and hallway
houses shall be six days, or three days each for two men.

"§ 5. For corning and finishing ceilings in tenement houses
each room, with four angle and two break miters, done
mould about seven inches projection, shall be one day,
each for two men. When there is a square panel the time
shall be one and one-half days, or three-quarters of a day each for
cove mould is used the same time to be observed as above.

"Character of Work."

"Section 9. When any portion of a building is reserved
character of ornamental decorations, it shall be the duty of the
estimates for same; said estimate for the same shall be made by the
society and approved by the delegate.



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BULLETIN
OF THE
DEPARTMENT OF LABOR
OF THE
STATE OF NEW YORK.

VOLUME III.

(Nos. 8-II.)

1901.

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New York Labor Bulletin

Vol. III, No. I.

March, 1901.

Whole No. 8.

EDITORIAL SUMMARY.

The New Department of Labor. Chapter 9 of the Laws of 1901 created a State Department of Labor out of the existing Bureau of Labor Statistics, office of Factory Inspection and Board of Mediation and Arbitration. The new Department, the organization of which is described elsewhere, expects to continue the quarterly BULLETIN heretofore published by the Bureau of Labor Statistics and to make it still more comprehensive in its treatment of industrial relations. Trade disputes in particular will receive the attention that their importance deserves. In the past, the absence of a periodical publication rendered the investigations of the Board of Mediation and Arbitration unavailable until the publication of its annual report; but this difficulty is now removed. The bureau of factory inspection will also have matters of current interest to be reported oftener than once a year, and such information will be given to the public through the quarterly BULLETIN.



Number of Trade Unions. At the end of December, 1900, the labor organizations in New York State numbered 1,679, with an aggregate membership of 242,484 men and women. The number of new unions reported in October, November and December was 95; while the number of unions that disbanded or united with other trade organizations was 51, leaving a net gain of 44. The largest net increase (16 unions) was among the hotel and restaurant employees, together with retail trade.

Decline in Membership. The decline in membership reported for the third quarter of 1900 continued in the fourth quarter, but affected different localities and trades. The interior towns and cities had a net gain of 1,329, whereas New York City unions suffered a loss of 4,226. The extra-metropolitan increase is mainly due to the formation of a union of marine firemen in Buffalo; the decline in New York affected chiefly the clothing and tobacco trades, painters and post office clerks. The aggregate membership at the end of 1900 was 242,484 (232,080 men and 10,404 women) as compared with 245,381 at the end of September; a loss of 2,897.



Unemployment. The percentage of labor unionists idle at the end of December was 22.0 as compared with 19.4 in 1899, 26.7 in 1898 and 22.6 in 1897. The increase in 1900 as compared with 1899 was the result of unfavorable conditions in New York City, particularly in the clothing and building trades. For the entire quarter, October 1-December 31, the proportionate amount of idleness was less in 1900 than in the preceding years, the percentages being 4.4 in 1900, 4.6 in 1899, 8.9 in 1898 and 5.8 in 1897. In the interior towns and cities the percentage of idleness for the last quarter of 1900 was only 2.9 as compared with 5.4 for New York City. The largest amount of continuous idleness was in the clothing trades (10.4 per cent in the entire State, 12.8 per cent in New York City).



Immigration. The number of immigrants arriving at the port of New York in October, November and December, 1900, was approximately the same as in the corresponding months of 1899: 74,432 in the former and 74,892 in the latter. Italians, Hebrews and Germans predominate; but the largest increments of increase are among the French and Greeks, while the number of Finnish, Polish and Hungarian immigrants decreased.

**Building
Operations.**

The statistics of the New York City building department respecting the number of plans approved and estimated cost of the proposed buildings show the existence of normal conditions in the fourth quarter of 1900. In Buffalo, a considerable increase over the corresponding period of 1899 is accounted for by the erection of numerous hotels in anticipation of the Pan-American Exposition. Syracuse has likewise experienced a notable increase in building enterprise, while in Rochester the decline from 1898 to 1899 was continued in the fourth quarter of 1900.

**Free
Employment
Bureau.**

In 1900 the State Free Employment Bureau in New York City registered 5,732 applicants for work, as compared with 5,289 in 1899, and secured situations for 2,969 persons as compared with 2,401 in 1899. In the fourth quarter of 1900, the increase in situations secured, as compared with the fourth quarter of 1899, was 11.7 per cent.

**For the
Abolition of
Strikes.**

Negotiations are progressing toward a compact between the American Newspaper Publishers' Association and the International Typographical Union which, if adopted, will establish the peaceful methods of arbitration in place of strikes or lockouts in that large part of the printing industry controlled by the Publishers' Association. The proposed agreement provides that all matters of dispute between a publisher and his employees belonging to the union shall be settled by arbitration; such arbitration is to be preferably local, failing which the dispute is to be referred for settlement to the national board of arbitration, consisting of the president of the Union and the commissioner of the Publishers' Association and, when needed, a third person to be chosen by these two. The text of the proposed agreement is published in the BULLETIN. It was unanimously adopted by the Publishers' Association in February, and is now being voted on by the local branches of

the International Typographical Union. If approved, it will be a most important step toward the peaceful solution of trade disputes and will serve as an example for other industries.

Labor and Industry Abroad. The BULLETIN contains statistics concerning the number of disputes settled under the Compulsory Arbitration Law in New Zealand; strikes in England, Austria and Denmark; trade unions in England, Denmark and Sweden; the labor market in Germany, and unemployment in France. It also gives the substance of an important decision of the English Court of Appeal on the status of trade unions under the Trade Union Acts, which confer certain privileges upon the unions and exempt them from some of the liabilities of ordinary corporations or joint stock companies.

Labor Laws Annulled. The first quarter of the twentieth century is marked by four exceedingly important decisions of the New York courts in the sphere of relations between employers and employed. The Court of Appeals has declared unconstitutional those provisions of the Labor Law which require public officials and contractors on public work to pay their employees the rates of wages current in the locality, and to use no stone dressed outside the State; while the Appellate Division of the Supreme Court has defined the scope of the Eight-Hour Law, virtually limiting its application to public buildings and other construction work, and has declared illegal a contract for public work giving preference to union labor at an increased cost to the taxpayers. The four decisions are important on account both of the fundamental legal principles and the amount of money involved. It is estimated that in the city of New York alone contracts have been made for public work involving \$100,000,000. Nearly all of those contracts contain a stipulation that workmen shall receive the prevailing rate of wages. If, as contractors claim, this clause restricts their freedom in hiring labor at the lowest possible rate, they will gain several million dollars as a

result of the decision; for their estimates were made and their bids offered on the basis of the higher wage-rates. Under the ruling of the court holding these contracts illegal on account of the unconstitutionality of the statute the taxpayers will bear the extra expense without having the satisfaction of seeing their employees obtain American wages—unless the courts invalidate the contracts and require the submission of new bids, or unless the workmen combine to exclude such immigrant labor from the work in hand as refuses to maintain existing rates of wages.

* * *

The Policy of Labor Legislation. One of the grounds—perhaps the chief ultimate reason—on which the prevailing rate of wages law is declared unconstitutional is that in prescribing a minimum compensation for its employees the State may increase the cost of its work, and hence also the burdens of taxation upon its citizens; that in paying more than the market rate of wages the State is using public funds for other than public purposes. This view has been urged with force in the prevailing opinion of the court; while the dissenting opinion did not discuss the *policy* of this legislation. It may be well, therefore, to state the principal arguments that influenced the Legislature in its adoption of the policy of labor protection and wage regulation in connection with State work: If contractors were allowed absolute freedom of contract they would be compelled by competition to hire labor at the cheapest possible rates. Instead of employing local workmen they would send to Europe or Asia for Italian, Polish or Chinese laborers, with their low standards of living. When they had completed their contract they would abandon these laborers; many of whom, being without employment, would be dependent upon the local charities. And their maintenance would cost the State more than it had saved by using cheap labor. The Contract Labor Law offers some hindrances to such proceedings, but does not prevent the employment of cheap labor. Instances have indeed been reported in which public contractors have paid their

workmen starvation wages and sent them to the poor authorities for additional aid. Certainly, in such a case the State would lose nothing by prescribing as the minimum wage-rate a sufficient compensation to maintain a family in decency and according to American standards of comfort. Unless the right of freedom of contract is accordingly limited by such laws as the United States Contract Labor Law and others of this class, the danger is always present that sweat-shop conditions of life will spread through other classes of the population while local workmen, left without work, must also suffer a deterioration in their standard of well-being. But the State already finds the slums and sweat-shops a sufficiently difficult problem without aggravating the evils by encouraging the employment, on its own work, of half-paid workmen. Such must have been the reasons which induced the Legislature to enact protective labor laws of the type under discussion.

REVIEW OF RETURNS FROM LABOR ORGANIZATIONS FOR QUARTER ENDED DECEMBER 31, 1900.

I. Number and Membership.

At the end of 1900, the number of labor organizations in New York State was 1,679 with an aggregate membership of 242,484. As compared with 1899 these figures indicate an increase of 289 organizations and 18,103 members; as compared with the preceding quarter (July-September) of 1900 they indicate an increase of 44 unions and a loss of 2,897 members, thus:

TABLE 1.

	Organiza- tions.	MEMBERS.			New York City mem- bership.	Members in other towns.
		Men.	Women.	Total.		
1896. October 31.....	962	.....	.....	170,386	.....	.....
1897. December 31.....	1,029	167,250	6,712	173,962	.....	.....
1898. December 31.....	1,143	167,271	7,480	174,751	124,963	49,888
1899. December 31.....	1,390	216,142	8,239	224,381	152,666	71,616
1900. March 31.....	1,452	223,069	9,464	232,533	153,129	79,404
1900. June 30.....	1,602	236,770	10,782	247,552	153,337	94,215
1900. September 30.....	1,685	233,553	11,828	245,381	154,504	90,877
1900. December 31.....	1,679	232,080	10,404	242,484	150,278	92,206

The largest membership was attained at the end of June, 1900, since which date it has very gradually diminished; between June and September there was a loss of about 2,200 and between September and December, a further loss of 2,900. But the membership at the end of December nevertheless remained larger than at any date previous to June 30.

The table also shows that the decline in membership in the third quarter of 1900 was in the organizations outside of New York City, it having been in fact due principally to the collapse or retrogression of numerous organizations in Western New York towns. But in the fourth quarter of 1900 the extra-metropolitan district made an actual gain in membership, while the New York City unions lost about 4,200.

We turn now to the figures by industries which are printed in Table I, at the end of this article and summarized in Table 2 below.

TABLE 2.

GROUPS OF TRADES.	ORGANIZATIONS.			MEMBERSHIP.				
	Sept. 30.	Dec. 31.	In-crease.	December 31, 1900.			Sep. 30, 1900.	In-crease or de-crease.
				Men.	Women	Total.		
I. Building, stone working..	472	482	10+	79,718	.....	79,718	80,336	-618
II. Clothing and textiles.....	124	128	4+	21,719	5,064	27,383	28,866	-1,483
III. Metals, machinery, etc....	292	292	0	32,134	.....	32,134	31,271	+863
IV. Transportation.....	205	211	6+	29,840	3	29,843	30,125	-281
V. Printing.....	91	93	2+	16,502	794	17,296	17,117	+179
VI. Tobacco.....	55	55	0	7,831	2,807	10,728	12,349	-1,622
VII. Food and liquors.....	103	109	6+	9,375	.....	9,375	9,430	-55
VIII. Theaters and music.....	32	33	1+	9,349	493	9,842	9,698	+144
IX. Woodworking, furniture....	65	65	0	8,911	25	8,936	8,712	+224
X. Restaurants, retail trade....	56	72	16+	5,660	513	6,173	5,496	+677
XI. Public employment.....	58	59	1+	6,499	10	6,509	7,148	-639
XII. Miscellaneous.....	82	80	2-	4,542	5	4,547	4,833	-286
Total.....	1,635	1,679	44+	232,080	10,404	242,484	245,381	-2,897

a Decrease.

The largest increase in number of unions occurs in Group X, followed by Group I. Only Group XII shows a decline in number of organizations; while in Groups III, VI and IX there is neither increase nor decrease. The net gain in organizations is 44, which added to 51 unions that lapsed gives a total increase of 95 new unions.

TABLE 3.

GROUPS OF TRADES.	Sex.	NEW YORK CITY.			OTHER TOWNS AND CITIES.		
		Sept. 30, 1900.	Dec. 31, 1900.	In-crease or de-crease.	Sept. 30, 1900.	Dec. 31, 1900.	In-crease or de-crease.
(I. Building, stone working.....	M	59,450	58,919	531-	20,886	20,799	87-
II. Clothing and textiles.....	M	17,089	16,593	496-	5,503	5,126	377-
	F	3,086	2,413	673-	3,188	3,251	63+
III. Metals, machinery, shipbldg..	M	14,524	14,304	220-	16,747	17,830	1,083+
	M	10,227	10,529	302+	19,891	19,311	580-
	F	6	3	3-	1	.....	1-
V. Printing, binding, etc.....	M	13,479	13,591	112+	2,880	2,911	31+
	F	513	519	4+	243	275	32+
VI. Tobacco.....	M	5,013	4,445	568-	3,429	3,386	43-
	F	3,788	2,764	1,024-	119	133	14+
VII. Food and liquors.....	M	5,066	4,723	343-	4,424	4,652	228+
VIII. Theaters and music.....	M	7,542	7,605	63+	1,679	1,744	65+
	F	463	464	1+	14	29	15+
IX. Woodworking, furniture.....	M	5,898	5,889	9-	2,814	3,622	208+
	F	.....	.....	.....	.....	25	25+
X. Restaurants, retail trade.....	M	1,166	1,182	16+	3,944	4,478	534+
	F	213	213	.....	173	360	127+
XI. Public employment.....	M	6,070	5,433	637-	1,073	1,066	7-
	F	.....	.....	.....	5	10	5+
XII. Miscellaneous.....	M	969	689	280-	3,850	3,853	3+
	F	.....	.....	.....	14	5	9-
Total.....	M	146,433	143,902	2,531-	87,120	88,178	1,058+
	F	8,071	6,376	1,695-	3,737	4,928	271+
	M & F	154,504	150,278	4,226-	90,877	92,206	1,329+

The loss in membership falls largely in the clothing and tobacco trades and is chiefly in New York City, as appears in table 3.

It appears that the decline in the membership of New York unions is quite general, the only trades making any substantial gain being those in the transportation and printing groups; while in the interior towns and cities the only trades suffering noticeable losses are those in the building, clothing and transportation groups.

In the building trades, the painters' organizations in New York suffered a decline of about 1,000 members, and the house shorers of 100; the plumbers also lost ground. But additions to the ranks of plasterers' labor unions partly counterbalanced these losses. The building laborers' unions in Brooklyn lost about 500 members; but, on the other hand, those in New York gained 400.

The clothing trades-unions fluctuate in membership according to season and they lost heavily in the last quarter of 1900. Thus in the metropolis, the cloak makers lost 1,400 members, the coat makers 850, the vest makers 500; but the pants makers gained 600 and the tailors 800. Outside of New York, the decline in membership in Group II was due to losses among the textile workers—principally at Cohoes, Jamestown and Amsterdam, the Carpet Printers Union at Amsterdam with a membership of 130 having lapsed.

In Group III, the organization of a Marine Firemen's Union in Buffalo with a membership of 1,800 accounts for the increased "up-State" membership. But the foundry and machine shop laborers suffered a loss of 900 members, two-thirds of which was in Watertown. Two iron molders' unions disbanded, and the aggregate membership in the State slightly decreased.

In Group IV, the gain in New York City is due to the formation of an additional union of longshoremen with 400 members, and the "up-State" loss is accounted for by the lapse of two Buffalo freight handlers' unions (800 members) and a decreased membership of 250 in the grain shovelers' union.

In Group VI the loss in the tobacco trades of New York City affects the women particularly.

In Group VII the butchers' unions of New York City lost 150 members and the brewery employees 200.

The large gains in Group X are outside of the metropolis and are largely among bartenders, who are credited with eight new unions and 300 additional members.

The drop in Group XI is explained by the loss of 900 members of the New York City post-office clerks' unions.

In Group XII, there is a decline among the glass workers' unions. Outside of the metropolis this is counterbalanced by the growth of unionism among the paper makers. Several federal labor unions (mixed employment) have disbanded, and one in Utica lost over 100 members, who withdrew to form a coal handlers' union.

II. Unemployment.

At the end of December out of 223,642 members of labor organizations reporting, 49,110 or 22 per cent. were idle; and out of 235,782 reporting, 10,484 or 4.4 per cent. were idle throughout the entire three months (October, November and December). Compared with other years this amount of idleness may be regarded as normal, thus:

TABLE 4.
NUMBER AND PERCENTAGE OF MEMBERS OF LABOR ORGANIZATIONS IDLE —

	AT THE END OF DECEMBER.		DURING FOURTH QUARTER.	
	Number.	Percentage.	Number	Percentage.
1897.....	39,353.	22.6.	10,132.	5.8.
1898.....	46,603.	26.7.	15,477.	8.9.
1899.....	41,688.	19.4.	10,238.	4.6.
1900.....	49,110.	22.0.	10,484.	4.4.

The number of unionists idle at the end of 1900 is somewhat larger than in the preceding years, but is smaller proportionally to membership than in other years with the exception of 1899. The proportion of members idle during the entire three months of October, November and December was smaller than in previous years. On the whole, therefore, conditions of employment in the fourth quarter of 1900 were fair.

As usual the proportionate amount of idleness is greater in New York City than in the other localities:

TABLE 5.

	ON DECEMBER 31, 1900.			DURING ENTIRE QUARTER.		
	Members reporting.	Number idle.	Per cent idle.	Members reporting.	Number idle.	Per cent idle.
<i>Men.</i>						
New York City.....	129,412	30,001	23.0	141,299	7,596	5.4
Other towns.....	84,226	16,278	19.3	84,479	2,273	2.7
Entire State.....	213,638	46,279	21.7	225,778	9,869	4.4
<i>Women.</i>						
New York City.....	6,176	1,702	27.6	6,176	301	4.9
Other towns.....	3,828	1,129	29.5	3,828	314	8.2
Entire State.....	10,004	2,831	28.3	10,004	615	6.1
<i>Men and Women.</i>						
New York City.....	135,588	31,703	23.4	147,475	7,897	5.4
Other towns.....	88,054	17,407	19.8	88,307	2,587	2.9
Entire State.....	223,642	49,110	22.0	235,782	10,484	4.4

The largest percentage of idleness is found among the female members of organizations in the interior towns. The fact that the percentage of idleness is larger for the women throughout the State than it is for men is due to the concentration of women in the clothing trades, which at this season were very dull. Table II, at the close of the article, gives the figures of idleness by groups of trades; it may be summarized thus:

TABLE 6.

NUMBER AND PERCENTAGE OF TRADE UNIONISTS (MEN) IDLE.

INDUSTRIES.	AT THE END OF DECEMBER.			DURING FOURTH QUARTER.		
	1900.		1899.	1900.		1899.
	Number.	Per-centage.	Per-centage.	Number.	Per-centage.	Per-centage.
I. Building, stone working, etc.....	21,573	32.0	28.8	4,229	5.5	7.0
II. Clothing and textiles.....	7,592	35.2	31.7	2,252	10.4	2.1
III. Metals, machinery, etc....	3,689	11.6	9.0	815	1.0	1.1
IV. Transportation.....	6,403	21.7	15.0	887	3.0	7.5
V. Printing, binding, etc.....	1,364	8.3	8.7	816	4.9	5.0
VI. Tobacco.....	1,563	20.0	9.6	125	1.6	1.5
VII. Food and liquors.....	1,306	13.9	7.6	750	8.0	5.3
VIII. Theaters and music.....	438	7.5	10.6	8	0.1	0.8
IX. Woodworking, furniture....	900	10.4	11.8	254	3.0	3.7
X. Restaurants, retail trade....	502	10.6	13.5	50	1.1	1.3
XI. Public employment.....	274	4.2	3.1	25	0.4	2.6
XII. Miscellaneous.....	675	16.1	6.0	158	3.8	3.8
Total { Men.....	46,279	21.7	19.3	9,869	4.4	4.7
{ Women.....	2,831	23.3	21.5	615	6.1	3.9
{ Men and Women	49,110	22.0	19.4	10,484	4.4	4.6

The idleness at the end of December was proportionately greater than it was a year earlier in eight out of the twelve groups; the four favorable exceptions being printing, theaters, woodworking, and restaurants and retail trade. On the other

hand continuous idleness for three months was relatively less in the fourth quarter of 1900 than in 1899 in nine out of the twelve groups, the unfavorable exceptions being clothing, tobacco, and food and liquors.

In New York City the comparison between 1900 and 1899 is more unfavorable. On the last day of the quarter only two groups (theaters, woodworking) show less idleness in 1900 than in 1899. For the entire quarter the increased idleness in the clothing trades in 1900 brings about an increase for the entire city. The women, however, had somewhat better employment in 1900 than in the corresponding period of 1899.

TABLE 7.

NUMBER AND PERCENTAGE OF TRADE UNIONISTS (MEN) IDLE IN NEW YORK CITY.

INDUSTRIES.	AT THE END OF DECEMBER.			DURING FOURTH QUARTER.		
	1900.		1899.	1900.		1899.
	Number.	Percent- age.	Percent- age.	Number.	Percent- age.	Percent- age.
I. Building, stone working, eto	15,632	32.8	27.2	3,716	6.6	7.4
II. Clothing and textiles.....	6,029	40.2	34.6	2,118	12.8	2.4
III. Metals, machinery, eto.....	1,454	10.2	6.6	187	1.2	1.7
IV. Transportation.....	2,458	23.5	10.9	133	1.8	3.6
V. Printing, binding, eto.....	1,254	9.2	9.0	807	5.9	5.7
VI. Tobacco	362	8.1	3.1	85	1.9	1.3
VII. Food and liquors	666	14.1	10.0	245	5.2	7.3
VIII. Theatres and music	242	5.4	11.7	8	0.1	0.2
IX. Wood working, furniture.....	482	8.2	9.3	211	3.6	5.0
X. Restaurants, retail trade.....	287	24.3	23.8	0	0.0	1.7
XI. Public employment.....	268	4.9	3.0	25	0.5	3.0
XII. Miscellaneous	287	38.5	5.6	61	9.0	3.0
Total { Men.....	30,001	25.0	20.3	7,596	5.4	4.9
{ Women	1,709	27.6	29.1	301	4.9	5.8
{ Men and Women	31,703	23.4	20.6	7,897	5.4	5.0

The principal cause of idleness in every industry reporting large percentages of unemployment was either "dull season" or "no work"; the cabmen and coach drivers alone attributed their idleness to unfavorable weather.

TABLE I.
NUMBER AND MEMBERSHIP OF UNIONS.
(December 31, 1900.)

INDUSTRIES.	NUMBER OF UNIONS.			Sex.	MEMBERSHIP OF UNIONS.		
	New York City.	Remainder of the State.	New York State.		New York City.	Remainder of the State.	New York State.
I. Building, Stone Working, Etc.	175	307	482	M	58,919	20,799	79,718
Stone working.....	13	23	36	M	3,809	1,113	4,922
Brick and cement making.....	.....	7	7	M	.....	692	692
Building and paving trades.....	139	257	396	M	42,872	17,153	60,025
Building and street labor.....	23	20	43	M	12,238	1,841	14,079
II. Clothing and Textiles.....	47	81	128	M	16,598	5,126	21,719
Garments.....	32	34	66	M	3,418	3,251	6,669
Hats, caps and furs.....	6	6	12	M	14,126	1,611	15,737
Boots, shoes, gloves, etc.....	5	11	16	F	2,359	1,256	3,615
Shirts, collars, cuffs and laundry.....	4	12	16	M	1,254	398	1,652
Textiles.....	.....	18	18	F	441	75	516
III. Metals, Machinery and Shipbuilding.....	87	205	292	M	14,804	17,880	32,684
Iron and steel.....	33	146	179	M	6,336	12,998	19,334
Metals other than iron and steel.....	18	16	29	M	1,506	536	2,042
Engineers and firemen.....	30	39	69	M	5,037	3,933	8,970
Shipbuilding.....	11	4	15	M	1,425	363	1,788
IV. Transportation.....	41	170	211	M	10,529	19,811	29,840
Railroads.....	21	126	147	F	3	11,125	11,128
Street railways.....	1	3	4	M	2,639	780	3,419
Coach drivers, etc.....	4	5	9	M	850	412	1,262
Seamen, pilots, etc.....	1	1	2	M	400	1,700	2,100
Freight handlers, truckmen, etc.....	14	35	49	M	3,740	5,294	9,034
V. Printing, Binding, Etc.....	29	64	93	M	13,591	2,911	16,502
VI. Tobacco.....	13	42	55	F	619	275	894
VII. Food and Liquors.....	35	74	109	M	4,445	3,386	7,831
Food preparation.....	24	33	57	M	2,764	133	2,897
Malt liquors and mineral waters.....	11	41	52	M	4,723	4,652	9,375
VIII. Theaters and Music.....	18	20	38	M	2,648	2,170	4,818
IX. Wood Working and Furniture.....	27	38	65	M	1,880	2,482	4,362
X. Restaurants and Retail Trade.....	14	58	72	M	5,889	3,022	8,911
Hotels and restaurants.....	8	23	31	F	1,132	4,478	5,610
Retail trade.....	6	35	41	M	213	300	513
XI. Public Employment.....	16	48	64	M	670	1,966	2,636
XII. Miscellaneous.....	8	72	80	M	512	2,518	3,030
Glass.....	3	11	14	F	212	333	545
Barbering.....	1	26	27	M	689	3,553	4,242
Other distinct trades.....	4	21	25	M	.....	6	6
Mixed employment.....	.....	14	14	M	.....	.....	.....
GRAND TOTAL.....	505	1,174	1,679	M	143,902	88,178	232,080
				F	6,376	4,028	10,404
				M & F	150,278	92,206	242,484

TABLE II.
UNEMPLOYMENT: (a) NEW YORK CITY.
(December 31, 1900.)

INDUSTRIES.	Sex.	IDLENESS ON LAST DAY OF QUARTER.			IDLENESS DURING ENTIRE QUARTER.		
		Members report- ing.	Number idle.	Per cent idle.	Members report- ing.	Number idle.	Per cent idle.
I. Building, Stone Working, Etc.	M	47,654	15,632	32.8	56,416	2,716	6.6
Stone working.....	M	3,809	998	26.2	3,809	420	11.0
Building and paving trades.....	M	38,742	12,327	31.8	40,369	3,296	8.1
Building and street labor.....	M	5,103	2,307	45.2	12,238	.....	0.0
II. Clothing and Textiles	M	16,498	6,029	40.2	16,498	2,118	12.8
Garments.....	F	2,213	1,329	60.0	2,213	240	10.8
Hats, caps and furs.....	M	14,028	6,074	43.3	14,028	1,925	13.7
Boots, shoes, gloves, etc.....	F	2,169	1,316	60.9	2,169	240	11.1
Shirts, collars, cuffs and laundry.....	M	1,254	318	25.4	1,254	93	7.4
	M	441	25	5.7	441	.....	0.0
	F	772	212	27.5	772	100	12.9
	F	54	18	34.0	54	.....	0.0
III. Metals, Machinery and Ship- building	M	14,304	1,454	10.2	14,304	187	1.2
Iron and steel.....	M	6,336	683	10.8	6,336	63	1.0
Metals other than iron and steel.....	M	1,508	44	2.9	1,508	8	0.5
Engineers and firemen.....	M	5,037	267	5.3	5,037	65	1.2
Shipbuilding.....	M	1,425	460	32.3	1,425	51	3.6
IV. Transportation	M	10,529	2,458	23.3	10,529	133	1.2
Railroads.....	F	3	.....	0.0	3	.....	0.0
Street railways.....	M	2,839	53	1.8	2,839	13	0.5
Coach drivers, etc.....	F	3	.....	0.0	3	.....	0.0
Seamen, pilots, etc.....	M	2,700	400	15.0	2,700	.....	0.0
Freight handlers, truckmen, etc.....	M	850	160	18.8	850	20	2.4
	M	400	100	25.0	400	100	25.0
	M	3,740	1,745	46.7	3,740	.....	0.0
V. Printing, Binding, Etc.	M	12,591	1,254	9.2	12,591	807	5.9
	F	519	25	4.8	519	25	4.8
VI. Tobacco	M	4,445	362	8.1	4,445	85	1.9
	F	2,764	325	11.8	2,764	16	0.5
VII. Food and Liquors	M	4,728	666	14.1	4,728	245	5.2
Food preparation.....	M	2,843	541	19.0	2,843	143	5.0
Malt liquors and mineral waters.....	M	1,880	125	6.6	1,880	102	5.4
VIII. Theaters and Music	M	4,480	242	5.4	7,605	8	0.1
	F	464	23	5.0	464	21	4.5
IX. Wood Working and Furniture	M	5,889	482	8.2	5,889	211	3.6
X. Restaurants and Retail Trade	M	1,132	287	24.3	1,132	.....	0.0
Hotels and restaurants.....	F	213	.....	0.0	213	.....	0.0
Retail trade.....	M	670	287	35.0	670	.....	0.0
	M	512	50	9.8	512	.....	0.0
	F	213	.....	0.0	213	.....	0.0
XI. Public Employment	M	5,438	268	4.9	5,438	25	0.5
XII. Miscellaneous	M	689	267	38.8	689	61	9.0
Glass.....	M	355	192	54.0	355	11	3.1
Barbering.....	M	85	7	8.2	85	.....	0.0
Other distinct trades.....	M	249	68	27.3	249	50	2.1
GRAND TOTAL	M	129,412	30,001	23.0	141,299	7,596	5.4
	F	6,176	1,702	27.6	6,176	301	4.9
	M & F	135,588	31,703	23.4	147,475	7,897	5.4

TABLE II.
UNEMPLOYMENT: (b) OUTSIDE OF NEW YORK CITY.
(December 31, 1900.)

INDUSTRIES.	Sex.	IDLENESS ON LAST DAY OF QUARTER.			IDLENESS DURING EN-TIRE QUARTER.		
		Members report-ing.	Number idle.	Per cent idle.	Members report-ing.	Number idle.	Per cent idle.
I. Building, Stone Working, Etc	M	19,686	5,941	30.2	19,888	513	2.6
Stone working.....	M	1,043	664	63.7	1,043	24	2.3
Brick and cement making.....	M	512	435	84.9	420	2	5
Building and paving trades.....	M	16,290	4,207	25.2	16,623	471	2.8
Building and street labor.....	M	1,841	635	34.5	1,802	16	9
II. Clothing and Textiles	M	5,081	968	19.0	5,081	134	2.6
.....	F	3,124	993	31.8	3,124	801	9.6
Garments.....	M	1,598	189	11.8	1,598	8	0.5
.....	F	1,936	784	37.4	1,936	151	7.8
Hats, caps and furs.....	M	393	36	9.2	393	8	2.0
.....	F	75	.....	0.0	75	.....	0.0
Boots, shoes, gloves, etc.....	M	1,377	308	22.4	1,377	75	5.4
.....	F	145	36	2.5	145	.....	0.0
Shirts, collars, cuffs and laundry.....	M	760	52	6.8	760	2	2.6
.....	F	218	30	13.8	218	.....	0.0
Textiles.....	M	953	378	39.7	953	41	4.3
.....	F	760	203	27.1	760	150	20.0
III. Metals, Machinery and Ship-building	M	17,333	2,235	12.9	17,595	128	0.7
Iron and steel.....	M	12,551	1,719	13.7	12,763	119	0.9
Metals other than iron and steel.....	M	586	141	26.3	536	2	0.4
Engineers and firemen.....	M	3,933	374	9.5	3,933	7	0.2
Shipbuilding.....	M	363	1	0.3	363	.....	0.0
IV. Transportation	M	18,920	3,945	20.8	18,793	754	4.0
Railroads.....	M	10,734	271	2.5	10,607	73	0.7
Street railways.....	M	780	50	6.4	780	.....	0.0
Coach drivers, etc.....	M	412	.....	0.0	412	.....	0.0
Seamen, pilots, etc.....	M	1,700	500	29.4	1,700	500	29.4
Freight handlers, truckmen, etc.....	M	5,294	3,124	59.0	5,294	181	3.4
V. Printing, Binding, Etc	M	2,905	110	3.8	2,905	9	0.3
.....	F	275	55	20.0	275	13	4.7
VI. Tobacco	M	3,361	1,201	35.7	3,361	40	1.2
.....	F	133	55	41.4	133	.....	0.0
VII. Food and Liquors	M	4,652	640	13.8	4,652	505	10.9
Food preparation.....	M	2,170	529	24.4	2,170	417	19.2
Malt liquors and mineral waters.....	M	2,482	111	4.5	2,482	88	3.5
VIII. Theaters and Music	M	1,393	193	14.1	1,393	.....	.....
.....	F	16	.....	0.0	16	.....	0.00
IX. Wood Working and Furniture	M	2,749	413	15.2	2,715	43	1.6
.....	F	25	25	100.0	25	.....	0.0
X. Restaurants and Retail Trade	M	3,548	215	6.1	3,548	50	1.4
.....	F	240	1	0.4	240	.....	0.0
Hotels and restaurants.....	M	1,943	180	9.3	1,943	46	2.4
.....	F	67	.....	0.0	67	.....	0.0
Retail trade.....	M	1,605	35	2.2	1,605	4	0.2
.....	F	173	1	0.6	173	.....	0.0
XI. Public Employment	M	1,043	6	0.6	1,043	.....	0.0
.....	F	10	.....	0.0	10	.....	0.0
XII. Miscellaneous	M	3,505	408	11.6	3,505	97	2.8
.....	F	5	.....	0.0	5	.....	0.0
Glass.....	M	410	4	1.0	410	2	0.5
Barbering.....	M	1,342	41	3.1	1,342	.....	0.0
Other distinct trades.....	M	836	75	9.0	836	.....	0.0
.....	F	5	.....	0.0	5	.....	0.0
Mixed employment.....	M	917	288	31.4	917	35	10.4
GRAND TOTAL	M	84,226	16,278	19.3	84,479	2,278	2.7
.....	F	3,523	1,129	32.5	3,523	314	8.9
M & F	M & F	88,054	17,407	19.8	88,307	2,587	2.9

TABLE II
UNEMPLOYMENT: (c) THE ENTIRE STATE.
(December 31, 1900.)

INDUSTRIES.	Sex.	IDLENESS ON LAST DAY OF QUARTER.			IDLENESS DURING ENTIRE QUARTER.		
		Members reporting.	Number idle.	Per cent idle.	Numbers reporting.	Number idle.	Per cent idle.
I. Building, Stone Working, Etc.	M	67,340	21,573	32.0	76,304	4,229	5.5
Stone working.....	M	4,852	1,662	34.3	4,852	444	9.2
Brick and cement making.....	M	512	435	85.0	420	2	0.5
Building and paving trades.....	M	55,032	16,534	30.0	56,992	3,767	6.6
Building and street labor.....	M	6,944	2,942	42.4	14,040	16	0.1
II. Clothing and Textiles	M	21,574	7,592	35.2	21,574	2,252	10.4
Garments.....	F	5,337	2,322	43.5	5,337	541	10.1
Hats, caps and furs.....	M	15,624	6,263	40.1	15,624	1,933	12.4
Boots, shoes, gloves etc.....	F	4,095	2,040	49.8	4,095	391	9.5
Shirts, collars, cuffs and laundry.....	M	1,647	354	21.5	1,647	101	6.1
Textiles.....	F	76	0	0.0	76	0	0.0
	M	1,818	333	18.3	1,818	75	4.1
	F	145	36	24.8	145	0	0.0
	M	1,532	264	17.2	1,532	102	6.7
	F	278	43	15.8	278	0	0.0
	M	953	378	39.7	953	41	4.3
	F	750	203	27.1	750	150	20.0
III. Metals, Machinery and Shipbuilding.	M	31,687	3,689	11.6	31,899	315	1.0
Iron and steel.....	M	18,887	2,402	12.7	19,094	182	1.0
Metals other than iron and steel.....	M	2,042	185	9.1	2,042	10	0.5
Engineers and firemen.....	M	8,970	641	7.1	8,970	72	0.8
Shipbuilding.....	M	1,788	461	25.8	1,788	51	2.9
IV. Transportation	M	29,449	6,403	21.7	29,322	897	3.0
Railroads.....	F	3	0	0.0	3	0	0.0
Street railways.....	M	13,573	324	2.4	13,446	86	0.6
Coach drivers, etc.....	F	3	0	0.0	3	0	0.0
Seamen, pilots, etc.....	M	3,480	450	12.9	3,480	0	0.0
Freight handlers, truckmen, etc.....	M	1,262	160	12.7	1,262	20	1.6
	M	2,100	600	28.6	2,100	600	28.6
	M	9,034	4,989	55.3	9,034	181	2.0
V. Printing, Binding, Etc.	M	16,496	1,364	8.3	16,496	816	4.9
	F	794	80	10.1	794	33	4.3
VI. Tobacco	M	7,806	1,563	20.0	7,806	125	1.6
	F	2,897	380	13.1	2,897	15	0.5
VII. Food and Liquors	M	9,375	1,306	13.9	9,375	750	8.0
Food preparation.....	M	5,013	1,070	21.3	5,013	560	11.2
Malt liquors and mineral waters.....	M	4,362	236	5.4	4,362	190	4.4
VIII. Theaters and Music	M	5,873	423	7.5	5,998	8	0.1
	F	480	23	4.8	480	21	4.4
IX. Wood Working and Furniture	M	8,688	900	10.4	8,604	254	3.0
	F	25	25	100.0	25	0	0.0
X. Restaurants and Retail Trade	M	4,780	502	10.6	4,780	50	1.1
Hotel and restaurants.....	F	453	1	0.2	453	0	0.0
Retail trade.....	M	2,613	417	16.0	2,613	46	0.0
	F	67	0	0.0	67	0	0.0
	M	2,117	85	4.0	2,117	4	0.2
	F	386	1	0.3	386	0	0.0
XI. Public Employment	M	6,476	274	4.2	6,476	25	0.4
	F	10	0	0.0	10	0	0.0
XII. Miscellaneous	M	4,194	675	16.1	4,194	158	3.8
Glass.....	F	5	0	0.0	5	0	0.0
Barbering.....	M	765	198	25.6	765	13	1.7
Other distinct trades.....	M	1,427	48	3.4	1,427	0	0.0
Mixed employment.....	M	1,055	143	13.2	1,055	50	4.6
	F	5	0	0.0	5	0	0.0
	M	917	282	31.4	917	95	10.4
GRAND TOTAL	M	218,638	46,279	21.7	225,778	9,869	4.4
	F	10,004	2,851	28.5	10,004	615	6.1
	M & F	223,642	49,110	22.0	235,782	10,484	4.4

IMMIGRATION AT THE PORT OF NEW YORK.

From October 1, 1819, when the general Government began to record the number of immigrants arriving at customs districts by sea from foreign countries, to the close of the nineteenth century—a space of eighty-one years and three months—the volume of immigration at the Port of New York aggregated 13,703,162, which represented nearly seven-tenths of the total arrivals (19,777,283) during the same period at all ports in the United States.

In comparison with the corresponding three months of 1899 there was a slight decline in immigration at the Metropolis for the last quarter of 1900, the number of persons who landed in October, November and December having been 74,892 in 1899 and 74,432 in 1900. Of the latter the largest element were Southern Italians, who numbered 19,434, or 26 per cent of the total, showing a gain of 7 per cent. over their immigration of the previous year. The Hebrews were second, 9,163 of that race having landed, this being 9 per cent less than in the last three months of 1899. Among the other prominent races the increases or decreases were as follows:

INCREASE.			DECREASE.		
	Number.	Per cent.		Number.	Per cent.
French.....	618	97.5	Finnish.....	1,134	61.8
Greek.....	600	89.9	Lithuanian.....	527	36.2
Syrian.....	483	88.9	Polish.....	1,231	19.2
Bohemian and Moravian	168	27.9	Magyar.....	560	18.5
German.....	1,705	27.9	Slovak.....	1,060	17.0
Ruthenian (Russenak) ..	119	19.5	Croatian and Slovenian.	366	16.1
Irish.....	336	9.2	English.....	101	9.3
Italian (North).....	296	7.1	Scandinavian.....	234	5.3

During the last quarter of 1900 the proportion of male and female immigrants did not materially differ from that of the like months in 1899, in the former period the males numbering 43,704, or 58.7 per cent, and the females 30,728, or 41.3 per cent; while in the latter year 61.2 per cent (45,843) were males and 38.8 per cent (29,049) were females. Considering the races whose immigration exceeded 2,000 for the quarter ended last December the greatest disparity as to the proportion of sexes was among the Northern Italians, 72.4 per cent of them being males and 27.6 per cent females, and the smallest difference was among the Germans, of whom 51.8 per cent were males and 48.2 per cent were females.

COMPARATIVE STATEMENT, BY RACES, SEXES AND AGES, OF THE VOLUME OF IMMIGRATION AT THE PORT OF NEW YORK FOR THE QUARTERS ENDED DECEMBER 31, 1899 AND 1900.

RACE OR PEOPLE.	QUARTER ENDED DECEMBER 31, 1899.					QUARTER ENDED DECEMBER 31, 1900.					
	SEX.		AGES.		Total.	SEX.		Total.	Under 14 years.	14 to 45.	45 and over.
	Male.	Female.	Under 14 years.	45 and over.		Male.	Female.				
African (black).....	2	.....	.....	.....	2	1	.....	1	.....	1	.....
Armenian.....	141	69	31	188	210	325	174	499	78	404	17
Bohemian and Moravian.....	262	341	122	436	603	352	419	771	147	553	71
Bulgarian, Servian and Montenegrin.....	45	1	.....	46	46	55	17	72	11	59	2
Croatian and Slovenian.....	1,895	374	2,269	2,032	4,351	1,466	437	1,903	137	1,713	53
Dalmatian, Bosnian and Herzegovinian.....	131	3	134	124	258	139	189	328	2	141	7
Dutch and Flemish.....	222	135	357	232	589	288	151	439	124	284	31
East Indian.....	1	.....	.....	.....	1	9	.....	9	.....	9	.....
English.....	672	411	1,084	811	1,895	589	391	983	135	727	121
Finnish.....	1,153	697	1,850	1,605	3,455	821	395	1,216	104	588	24
French.....	394	240	634	72	706	761	491	1,252	109	1,046	97
German.....	3,363	2,755	6,118	4,515	10,633	4,049	3,774	7,823	1,655	5,618	550
Greek.....	636	31	667	595	1,262	1,231	86	1,317	116	1,123	28
Hawaiian.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	.....
Hebrew.....	5,644	4,423	10,076	7,234	17,310	4,823	4,340	9,163	2,470	6,140	553
Irish.....	1,392	2,354	3,746	169	3,915	1,326	2,756	4,082	186	3,705	191
Italian (North).....	3,010	1,190	4,140	502	3,338	3,212	1,224	4,436	574	3,633	229
Italian (South).....	11,677	6,472	18,149	12,679	24,828	12,372	7,062	19,434	4,200	13,371	1,863
Japanese.....	2	.....	.....	.....	2	1	.....	1	.....	1	.....
Lithuanian.....	1,001	455	1,456	1,242	2,698	537	372	929	130	787	12
Magyar.....	2,007	1,018	3,025	269	3,294	1,528	937	2,465	271	2,099	105
Polish.....	2,975	2,426	5,401	769	6,170	2,913	2,227	5,140	763	4,257	148
Portuguese.....	53	335	388	187	525	208	255	463	132	280	51
Romanian.....	.....	.....	.....	.....	.....	27	7	34	5	27	2
Russian.....	150	9	159	153	312	1	15	16	10	35	1
Ruthenian (Rusniak).....	381	228	609	42	637	498	260	758	54	658	16
Scandinavian (Norwegians, Danes and Swedes).....	1,972	2,464	4,436	332	3,868	1,783	2,419	4,202	281	3,973	248
Scotch.....	147	115	262	51	313	135	82	217	35	181	21
Slovak.....	4,297	1,929	6,226	536	5,504	3,862	1,804	5,166	579	4,222	165
Slovenian.....	69	20	89	9	109	127	50	147	43	98	6
Spanish.....	741	498	1,239	273	1,512	1,147	575	1,722	312	1,321	86
Syrian.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Turkish.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Welsh.....	81	85	166	105	251	61	74	135	39	84	12
Total.....	45,843	29,049	74,892	56,964	131,956	43,704	80,728	74,432	12,704	57,018	4,710

The great majority of the newcomers continued to drift toward the industrial centres of the North Atlantic Division, 57,440, or 77.2 per cent, of those who passed through the Port of New York from October 1 to December 31, 1900, naming those States as the places to which they were destined. Fifty-six per cent of that number remained in the State of New York.

Fifteen and four-tenths per cent (11,436) were bound for the North Central Division, while 3,142, or 4.2 per cent, avowed their intention to go to the Western Division, and 2,414, or 3.2 per cent, to the South Atlantic and South Central Divisions.

TABLE SHOWING THE AVOWED DESTINATION OF IMMIGRANTS WHO LANDED AT THE PORT OF NEW YORK DURING THE QUARTER ENDED DECEMBER 31, 1900.

Alabama	83	Montana	184
Alaska	8	Nebraska	429
Arizona	67	Nevada	40
Arkansas	14	New Hampshire	90
California	1,438	New Jersey	4,181
Colorado	831	New Mexico	40
Connecticut	1,985	New York	32,424
Delaware	72	North Carolina	5
District of Columbia	67	North Dakota	650
Florida	205	Ohio	1,856
Georgia	39	Oklahoma	78
Hawaii	22	Oregon	91
Idaho	44	Pennsylvania	13,647
Illinois	3,611	Rhode Island	885
Indiana	445	South Carolina	4
Indian Territory	54	South Dakota	858
Iowa	523	Tennessee	65
Kansas	287	Texas	428
Kentucky	92	Utah	66
Louisiana	858	Vermont	88
Maine	96	Virginia	97
Maryland	417	Washington	218
Massachusetts	4,094	West Virginia	278
Michigan	944	Wisconsin	715
Minnesota	676	Wyoming	103
Mississippi	28		
Missouri	452	Total	74,43

STATISTICS OF BUILDING OPERATIONS.

I. New York City.

The extensive movement on the part of builders in the latter part of 1899 to file their plans before the new building code became operative contributed to the unprecedented increase in the projected enterprises recorded at the several borough building departments in the closing quarter of that year, and as a consequence the figures for the corresponding months of 1900 show a marked falling off, but when comparison is made with the statistics for the same period of 1898 it will be observed that in reality a normal condition prevailed in the constructive industry at the end of last year. In the three quarters referred to the number and estimated cost of contemplated new and remodeled structures were: 1898—3,873 buildings; cost, \$23,532,847; 1899—4,410 buildings; cost, \$47,947,275; 1900—3,087 buildings; cost, \$21,969,187. Within the quarter year ended in December, 1898, the number of buildings commenced was 3,481; in 1899, 3,394, and in 1900, 3,354. During that quarter of 1898, 1899, and 1900, respectively, 3,390, 4,433 and 3,270 buildings were completed.

NEW YORK CITY.

COMPARATIVE STATEMENT OF THE NUMBER OF NEW AND REMODELED BUILDINGS FOR WHICH PLANS WERE APPROVED, THEIR ESTIMATED COST, AND THE NUMBER COMMENCED AND COMPLETED, DURING OCTOBER, NOVEMBER AND DECEMBER, 1899 AND 1900.

MONTHS.	NUMBER OF BUILDINGS.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS—			
					COMMENCED.		COMPLETED.	
	1899.	1900.	1899.	1900.	1899.	1900.	1899.	1900.
<i>I. New Buildings.</i>								
October	726	656	\$8,442,299	\$7,359,578	749	814	798	602
November.....	707	573	9,385,528	5,290,771	629	746	688	470
December.....	1,519	532	27,929,660	7,639,980	652	487	1,101	596
Total	2,952	1,761	\$45,757,487	\$20,340,329	2,030	2,047	2,587	1,668
<i>II. Alterations.</i>								
October	493	562	\$699,255	\$645,247	475	543	572	568
November.....	446	401	666,783	345,932	454	459	603	524
December.....	519	363	923,750	637,679	435	305	671	510
Total	1,458	1,326	\$2,189,788	\$1,628,858	1,364	1,307	1,846	1,602
<i>III. Total of New Buildings and Alterations.</i>								
October	1,219	1,218	\$9,141,554	\$8,004,825	1,224	1,357	1,370	1,170
November.....	1,153	974	10,052,311	5,636,708	1,083	1,205	1,291	994
December.....	2,038	895	28,753,410	8,327,659	1,087	792	1,772	1,106
Total	4,410	3,087	\$47,947,275	\$21,969,187	3,394	3,354	4,433	3,270

II. Buffalo, Rochester and Syracuse.

Buffalo.—A remarkable increase occurred in the cost of buildings for which the Buffalo Bureau of Buildings issued permits in the fourth quarter of 1900. It was caused by the projection of numerous hotels to accommodate visitors to the Pan-American Exposition this summer.

BUILDING OPERATIONS IN BUFFALO IN OCTOBER, NOVEMBER AND DECEMBER, 1899 AND 1900.

	NUMBER OF PERMITS.		ESTIMATED COST OF BUILDINGS.	
	1899.	1900.	1899.	1900.
1. New buildings:				
October	135	55	.....	\$159,833
November.....	76	48	.....	857,440
December	109	57	.....	468,760
Total.....	<u>320</u>	<u>160</u>	<u>\$590,546</u>	<u>\$1,486,033</u>
2. Remodeled buildings:				
October	35	52	.....	\$62,925
November.....	28	29	.....	33,110
December	30	37	.....	106,538
Total.....	<u>93</u>	<u>118</u>	<u>\$99,777</u>	<u>\$202,573</u>
3. New and remodeled buildings:				
October	170	107	.....	\$222,758
November.....	104	77	.....	890,550
December	139	94	.....	575,298
Total.....	<u>413</u>	<u>278</u>	<u>\$690,523</u>	<u>\$1,688,606</u>

Rochester.—A continued diminution is observed in the extent of building operations in Rochester as compared with preceding years, thus:

BUILDING OPERATIONS IN ROCHESTER, FOURTH QUARTER, 1898-1900.

	NUMBER.			ESTIMATED COST.		
	1898.	1899.	1900.	1898.	1899.	1900.
New buildings.....	125	112	101	\$387,484	\$241,837	\$201,220
Remodeled buildings.....	23	32	35	18,150	41,890	26,240
Total	<u>148</u>	<u>144</u>	<u>136</u>	<u>\$405,634</u>	<u>\$283,727</u>	<u>\$226,460</u>

Syracuse.—The Fire Marshal issued permits for buildings in the months of October, November and December as shown below:

	NEW BUILDINGS.		ADDITIONS AND ALTERATIONS.		TOTAL.	
	No.	Estimated cost.	No.	Estimated cost.	No.	Estimated cost.
October.....	30	\$186,475	45	\$23,748	75	\$210,223
November.....	30	57,490	26	17,185	56	74,670
December.....	24	438,740	16	4,320	40	438,065
Total, Oct.-Dec., 1900.....	84	\$677,705	87	\$45,253	171	\$722,958
Total, Oct.-Dec., 1899.....	83	274,285	58	18,606	141	292,891
Total, Oct.-Dec., 1898.....	101	177,835	82	42,013	183	219,848

A very large increase in the cost of projected buildings is observed in the last quarter of 1900 as compared with 1898 and 1899. It was in the month of December.

THE STATE FREE EMPLOYMENT BUREAU.

Report of Superintendent.

The quarter ending December 31, 1900, brings to a close the most successful year's work of the Bureau. Every day people come to the office and say: "We never knew there was such a place as this in existence until we got a circular from you asking as to the character and ability of one of our former employees." And so it is that the public is gradually becoming acquainted not only with the existence of the Bureau, but with its work and the care taken to fill orders for competent help of all kinds based on the thorough knowledge we possess as to the qualifications of our applicants for work by reason of the answers to our inquiries sent us confidentially by former employers.

The months of October, November and December are not as favorable to obtaining employment as some other months, because the summer season is past; people are permanently settled in their houses with all arrangements made for the winter months in the matter of employing domestics. Yet the quarter shows an advance over the corresponding quarter of the previous year, which would have been even greater had it not been for the usual dullness in business occasioned by a Presidential election.

During the quarter we had 1,519 applicants for work, 735 applicants for help, and were able to secure employment for 668 persons.

During the entire year we registered 5,732 applicants for work, 3,526 applicants for help, and secured situations for 2,969 people, as against 5,289 applicants for work, 3,043 applicants for help, and 2,401 situations secured in 1899, which indicates a gradual and healthy growth of the work of the bureau.

The following table shows the increase compared with the corresponding quarter of the previous year:

	Applicants for work.	Applicants for help.	Situations secured.
Quarter ended December 31, 1900.....	1,519	735	668
Quarter ended December 31, 1899.....	1,420	714	598

Per cent of increase in situations secured, 11.7.

JOHN J. BEALIN,
Superintendent.

THE NEW DEPARTMENT OF LABOR.

In his message to the Legislature, Governor Odell recommended the consolidation of certain State boards and commissions, among which he mentioned the Bureau of Labor Statistics, the Factory Inspector's Office and the Board of Mediation and Arbitration. Acting upon his suggestion, the Legislature passed a bill creating a new Department of Labor, which by the signature of the Governor on February 7, became chapter 9 of the Laws of 1901.

The act abolished the offices of commissioner and deputy commissioner of labor statistics and the former's chief clerk, of factory inspector and his assistant, and of the board of mediation and arbitration. The powers of the commissioner of labor statistics and factory inspector it conferred upon the head of the new department, to be known as commissioner of labor, who receives a salary of \$3,500 per annum, and who is authorized to appoint two deputy commissioners. The commissioner of labor and his two deputies constitute the new board of mediation and arbitration.

On February 27 the Governor nominated John McMackin of New York City, who was at that time commissioner of labor statistics, to be the new commissioner. The nomination having been confirmed by the Senate, Commissioner McMackin took the oath of office on March 8. Since then he has made the following appointments to the positions of responsibility in the new department:

John Williams, of Utica, first deputy commissioner, at an annual salary of \$2,500. Mr. Williams, who had been State factory inspector since 1899, was a prominent trade union leader, having been president of the United Brotherhood of Carpenters and Joiners of America at the time of his original appointment. He therefore represents the important interests of the building trades.

John Lundrigan, of Buffalo, second deputy commissioner of labor; salary, \$2,500. Mr. Lundrigan is a member of the Order

of Railway Conductors and is therefore a representative of the large railroad interests of the Empire State.

Adna F. Weber, of Salamanca, chief statistician; salary, \$2,500. Dr. Weber was in 1899 appointed deputy commissioner of labor statistics on the recommendation of university professors and prominent statisticians, and is now retained as an expert statistician to organize the statistical work heretofore done in the three branches of the State administration devoted to industrial and labor matters.

Bernard Stark, of Albany, mediator of industrial disputes; salary, \$2,500. Mr. Stark is an Albany manufacturer who was in January appointed by the Governor as the Democratic member of the board of mediation and arbitration. He is retained to care for the interests of the employing class in trade disputes.

PROPOSED ARBITRATION AGREEMENT IN THE PRINTING INDUSTRY.

At its annual convention in New York City in February, 1900, the American Newspaper Publishers' Association took the initiative in a movement which will doubtless eventuate in establishing permanent peaceful relations between employers and employed in the newspaper branch of the printing industry throughout the United States. This powerful and influential aggregation is composed of the representatives of more than 200 daily journals published in the principal cities of the country, with nearly \$20,000,000 invested in the plants of their business, and employed in their mechanical departments are 20,000 persons, 60 per cent of whom are members of trade unions. At the session referred to the president was directed to appoint a national committee of three to take up labor questions affecting generally the members of the association, this committee to be authorized to forthwith negotiate with each of the general allied printing trades organizations for the creation of joint arbitration committees to adjust disputes between publishers and local unions.

Upon the adjournment of the convention the following were designated as the committee: Alfred Cowles, *Chicago Tribune* (chairman); Herman Ridder, *New York Staats-Zeitung*; M. J. Lowenstein, *St. Louis Star*. Immediately after its appointment the committee issued a statement to the effect that "its duty is to obtain data respecting wages paid in the several cities, the condition of labor in the offices of the various members of the association, and such other information as may be useful and beneficial to both employer and employee;" that it was "charged with the sacred task of settling disputes whenever possible," and that it "was not appointed to provoke controversies or to antagonize labor, but on the contrary to promote a better understanding between members and their employees." Early in April Frederick Driscoll was selected by the committee as a special commissioner to look after the publishers' interests. In the following August he addressed the convention of the International Typographical Union at Milwaukee, Wis., on the subject of arbitration, strongly

urging that body to enter into friendly relations with the publishers' association, to remove all principal causes of friction and provide for the settlement by pacific methods any differences that may arise in the trade. The thanks of the convention were unanimously extended to the special commissioner and the association he represented. It was then resolved (if at least fifty subordinate unions concurred, which sanction was subsequently obtained) that the executive council of the International Union "be instructed to confer with the secretary or commissioner of the American Newspaper Publishers' Association with a view to arriving at an agreement providing for the amicable adjustment of all differences that may arise between any member of said association and the Typographical Union and its affiliated bodies;" and that, "if the American Newspaper Publishers' Association shall agree to submit to arbitration all disputes, pending and future, between the members of said association and the Typographical Union and its affiliated bodies, then the council is instructed to prepare laws governing such agreement, submit them to a referendum vote of the membership, and use its influence to the end that they may be adopted by popular vote of the members of the International Union."

The executive council, comprising President James M. Lynch, First Vice-President Charles E. Hawkes and Secretary-Treasurer J. W. Bramwood, thereupon held a conference with the committee of the publishers' association, and devised a plan of arbitration which was ordered to be submitted to the respective bodies for ratification. Following is the proposed agreement:

Section 1. On and after 1901, and until 1902, any publisher who is a member of the American Newspaper Publishers' Association, employing union labor in any department, or all departments, of his office, under an existing contract or contracts, either written or verbal, with a local union, or unions, chartered by the International Typographical Union, shall be protected under such contract or contracts by the International Typographical Union, against walkouts, strikes, boycotts or any other form of concerted interferences with the peaceful operation of the department or departments of labor so contracted for by any union or unions with which he has contractual relations: Provided, said publisher shall enter into an agreement with the International Typographical Union to arbitrate all differences that may arise under said existing verbal or written contract or contracts between said publisher and union employees in said department or departments, in case said differences can not first be settled by conciliation.

Sec. 2. If conciliation between the publisher and a local union fails, then provision must be made for local arbitration. If local arbitration or arbitrators can not be agreed upon, all differences shall be referred, upon application of either party, to the national board of arbitration. In case a local board of arbitration is formed, and a decision rendered which is unsatisfactory to either side, then an appeal may be taken to the national board of arbitration by the dissatisfied party.

Sec. 3. In cases of appeal from a local board of arbitration, the national board of arbitration shall not take evidence except by a majority vote of the board, but the appellant and appellee may be required to submit records and briefs and to make oral or written arguments (at the option of the board) in support of their several contentions. The parties to the controversy may submit an agreed statement of facts, or a transcript of testimony properly certified to before a notary public by the stenographer taking the original evidence or depositions.

Sec. 4. Pending decision under such appeal, work shall be continued in the office of the publisher, party to the case, and the award of the national board of arbitration shall, in all cases, include a determination of the issues involved, covering the period between the raising of the issues and their final settlement; and any change or changes in the wage scale of employees may, at the discretion of the board, be made effective from the date the issues were first made.

Sec. 5. If, in any case, any number of the newspaper publishers of any city, forming a local publishers' association, enter into contract, verbal or written, with any of the subordinate unions belonging to or affiliated with the International Typographical Union, then and in that case such associations shall enjoy all the rights, and be subjected to all the obligations hereby applying to any individual publisher as noted above.

Sec. 6. Employers whose offices are union in all mechanical departments under the jurisdiction of the International Typographical Union, and in whose offices disputes arise affecting one or all of those departments, which can not be settled locally, shall have the right to demand the services of the national board of arbitration. Employers whose offices are union in one or more mechanical departments under the jurisdiction of the International Typographical Union, shall have the right to demand the services of the national board of arbitration as to disputes which may arise in any of these union departments, which cannot be settled locally.

Sec. 7. Local unions of the International Typographical Union becoming involved in disputes with a publisher concerning the union departments of the offices heretofore described shall have the right to demand the services of the national board of arbitration, if such disputes can not be settled locally.

Sec. 8. The words "union department" as herein employed shall be construed to refer only to such departments as are made up wholly of union employees, in which union rules prevail, and in which the union has been formally recognized by the employer.

Sec. 9. It is understood that this agreement shall apply to individual members of the American Newspaper Publishers' Association, or local

associations of publishers accepting it and the rules drafted hereunder, at least thirty days before a dispute shall arise.

Sec. 10. The national board of arbitration shall consist of the president of the International Typographical Union, and the commissioner of the American Newspaper Publishers' Association, or their proxies, and in the event of failure to reach an agreement, these two shall select a third member in each dispute, the member so selected to act as chairman of the board. The finding of the majority of the board shall be final and shall be accepted as such by the parties to the dispute under consideration.

Sec. 11. In the event of either party to the dispute refusing to accept and comply with the decision of the national board of arbitration, all aid and support to the firm or employer or local union refusing acceptance and compliance shall be withdrawn by both parties to this agreement. The acts of such recalcitrant employer or union shall be publicly disavowed, and the aggrieved party to this agreement shall be furnished by the other with an official document to that effect.

Sec. 12. The said national board of arbitration must act when its services are desired by either party to a dispute as above, and shall proceed with all possible dispatch in rendering such services.

Sec. 13. All expenses attendant upon the settlement of any dispute, except the personal expenses of the commissioner of the American Newspaper Publishers' Association and of the president of the International Typographical Union, shall be borne equally by the parties to the dispute.

Sec. 14. The conditions obtaining before the initiation of the dispute shall remain in effect pending the finding of the local or of the national board of arbitration.

Sec. 15. The following rules shall govern the national board of arbitration in adjusting differences between parties to this agreement:

1. It may demand duplicate typewritten statements of grievances.
2. It may examine all parties involved in any differences referred to it for adjudication.
3. It may employ such stenographers, etc., as may be necessary to facilitate business.
4. It may require an affidavit on all disputed points.
5. It shall have free access to all books and records bearing on points at issue.
6. Equal opportunity shall be allowed for presentation of evidence and argument.
7. Investigations shall be conducted in the presence of representatives of both parties.
8. The deliberations of the board shall be conducted in executive session, and the findings, whether unanimous or not, shall be signed by all the members of the board in each instance.
9. In the event of either party to the dispute refusing or failing to appear or present its case after due notice, it may be adjudged in default and findings rendered against such party.
10. All evidence communicated to the board in confidence shall be preserved inviolate and no record of such evidence shall be kept.

Sec. 16. The form of contract to be entered into by the publisher and the International Typographical Union shall be as follows:

FORM OF CONTRACT.

It is agreed between.....publisher(s) or proprietor(s) of the..... of....., duly authorized to act in its behalf, party of the first part, and the International Typographical Union, by its president, duly authorized to act in its behalf, and also in behalf of.....union(s) of....., as follows:

That any and all disputes that may arise under the existing contract(s), verbal or written, between publisher(s) or proprietor(s) and the union(s), or any member thereof, now operating in the department(s) of the, shall first be settled by conciliation between the publisher and the authorities of the local union, if possible. If not, the matter shall be referred to arbitration, each party to the controversy to select one arbitrator, and the two thus chosen to select a third, the decision of a majority of such board of arbitration to be final and binding upon both parties, except as hereinafter provided for.

If local arbitration or arbitrators can not be agreed upon, all differences shall be referred, upon application of either party, to the national board of arbitration, consisting of the president of the International Typographical Union and the commissioner of the American Newspaper Publishers' Association, or their proxies, and if the board thus constituted can not agree it shall be authorized to select an additional member, and the decision of a majority of this board, thus constituted, shall be final and binding upon both parties.

Pending arbitration and decision thereunder, work shall be continued as usual in the office of the publisher, party to this agreement, and the award of the arbitrators shall, in all cases, include a determination of the issues involved, covering the period between the raising of the issues and the final settlement; and any change or changes in the wage scale of employees, or other ruling, may, at the discretion of the arbitrators, be made effective from the date the issues were first made.

In case a local board of arbitration is formed and a decision rendered which is unsatisfactory to either side, then an appeal may be taken to the above described national board of arbitration by the dissatisfied party. Pending decision under such appeal from a local board of arbitration, work shall be continued as usual in the office of the publisher party to the case, and the award of the national board of arbitration shall, in all cases, include a determination of the issues involved, covering the period between the raising of the issues and their final settlement; and any change or changes in the wage scale of employees may, at the discretion of the board, be made effective from the date the issues were first made.

In consideration of the agreement by the said publisher(s) or proprietor(s) to arbitrate all differences arising under existing verbal or written contract(s) with the union(s), the International Typographical Union agrees to underwrite the said existing contract(s) and guarantees their fulfillment on the part of union(s).

It is expressly understood and agreed that the sections numbered from one to seventeen inclusive of the agreement between the American Newspaper Publishers' Association and the International Typographical Union, hereunto attached, shall be considered an integral part of this contract,

and shall have the same force and effect as though set forth in the contract itself.

This contract shall be in full force and effect from day of 190.., to day of, 190.., unless terminated sooner by mutual consent.

In witness whereof, the undersigned publisher(s) or proprietor(s) of the said newspaper, and the president of the International Typographical Union, have hereunto affixed their respective signatures, this day of, 190...

This covenant between the International Typographical Union and the American Newspaper Publishers' Association shall remain in effect from day of, 1901, to day of, 1902, unless terminated sooner by mutual consent.

In convention assembled at New York City in February of this year the publishers' association unanimously ratified the agreement. On or before March 25th the various subordinate unions of the International Typographical Union will vote on the question. As the proposed compact is in conformity with the present laws and customs of the latter organization, it is the general impression that it will be approved.

INTERNATIONAL LABOR STATISTICS.

English Trade Unions in 1899.

The twelfth annual report of the British Department of Labor on trade unions in 1899 says that during 1899 the total number of trade unions decreased from 1,310 to 1,292. This decline of 18 is due to amalgamation of that number of smaller unions with larger organizations, the number of unions (30) formed during the year being the same as the number dissolved.

The total membership, however, of the trade unions rose during the year from 1,649,231 to 1,802,518, an increase of 153,287, or 9 per cent, the greatest proportionate increase in any of the eight years covered by the report.

The increase is due to a general rise in the membership of every group of unions, with the single exception of the unions in the clothing trades, which show a small decrease. The unions which most largely increased their membership during the year were those in the mining and quarrying industries, which yielded an increase of 71,084 members, or 20 per cent.

The following table shows the membership of trade unions in the principal groups of trades since 1892, together with the number of unions and branches in 1899:

Year.	Building.	Mining and quarry- ing.	Metal, engineer- ing and ship- building.	Textile.	Clothing	Transportation.	Other unions.	Total, all unions.
1892.....	158,492	815,180	278,731	204,242	83,299	154,837	308,451	1,503,232
1893.....	173,350	318,014	265,860	205,617	80,768	141,971	294,690	1,480,270
1894.....	179,156	307,181	263,474	215,886	81,786	123,776	268,545	1,430,304
1895.....	179,719	279,972	268,406	218,837	78,560	120,352	263,304	1,400,150
1896.....	193,838	279,881	302,907	218,389	76,997	134,843	289,905	1,496,760
1897.....	216,118	282,961	318,556	217,933	75,840	183,873	319,712	1,614,993
1898.....	233,358	353,699	308,374	213,962	70,581	148,000	321,257	1,640,231
1899.....	251,065	424,783	331,245	220,098	68,309	163,283	343,785	1,802,518
Per cent of total.....	14	24	19	12	4	9	18	100
No. of unions.....	136	60	272	242	47	68	467	1,292
No. of branches.....	3,202	2,029	2,570	521	615	1,289	4,323	14,549

Legal Status of Trade Unions in England.

The English Trade Union Acts of 1871 and 1876 extended to the labor unions the peculiar advantages previously enjoyed by benevolent and friendly aid societies. By registering with the proper government official, an English union obtains the right of holding property, of carrying on legal proceedings against defaulting officers and various other privileges; but does not thereby render itself liable to be sued like regularly incorporated bodies. Under these acts, the British courts have recently refused to issue an injunction restraining a union of railway employees from picketing. The case is thus summarized in the December *Labor Gazette* (p. 361):

In connection with a dispute between the Taff Railway Company and its workmen an action was brought by the company against the Amalgamated Society of Railway Servants, and against its secretary and organizing secretary, the claim being for an injunction and for other relief, which would include damages. The injunction asked for was to restrain the Society and its officers named as co-defendants from watching or besetting, or causing to be watched or beset, the Great Western railway station at Cardiff, or the works of the Taff Vale Company or any of them, or the approaches thereto, or the places of residence, or any place where they might happen to be, of any workmen employed by or proposing to work for that company for the purpose of persuading or otherwise preventing persons from working for that company, or for any purpose except merely to obtain or communicate information, and from procuring any person who might have or might enter into contracts with the company to commit a breach of such contracts. The Amalgamated Society took out a summons to strike out their name as defendants, on the ground that they were neither a corporation nor an individual, and could not be sued in a quasi-corporate or any other capacity. The judge of the Vacation Court refused to strike the Society out of the action, and granted an interim injunction until the trial of the action, restraining the Society in the manner asked for by the company.

The Society appealed against this decision; and the Court of Appeal allowed the appeal, with costs in that Court and in the Court below. The Court held that nothing in the Trade Union Acts made a Trade Union liable to be sued in its registered name, so as to enable its funds to be taken in execution, and that the action was not maintainable against a Trade Union. Accordingly the Court ordered that the Amalgamated Society should be struck out as defendants in the action, and that the injunction against them should be dissolved.—*Taff Vale Railway Company v. Amalgamated Society of Railway Servants and others, Court of Appeal, November 12th and 21st.*

It is interesting to learn from the latest report of the British Labor Department on trade unions that over 78 per cent of the membership of unions existing at the end of 1899 was included in registered unions: of the 1,292 unions 614 with 1,408,702 members were at that time registered under the Trade Union Act, while 678 unions with a membership of 393,816 were not thus registered.

Trade Unions in Denmark.

The total number of the Danish trade unions is 1,196, with an aggregate membership of 96,359. Of these 1,196 trade unions, 1,156, with a membership of 89,326, belong to central federations, of which there are 52, each of these organizations dealing with a separate group of occupations; the remaining 40 unions (with an aggregate membership of 7,033) are independent local societies.

In addition to the central federations formed for separate trades, there is the general federation above referred to, which deals with all trades, and to which 1,074 of the Danish trade unions (1,051 being unions belonging to central federations, and 23 being independent local societies), with a total membership of 82,140, are affiliated.

The table below classifies the Danish trade unions according to groups of trades:

Groups of trades.	Number of unions.	Membership of unions.
Building trades.....	211	14,391
Metal, engineering and shipbuilding.....	147	10,954
Textile trades.....	34	3,066
Clothing trades.....	123	6,381
Transport	58	8,657
Printing, paper and allied trades.....	67	3,564
Woodworking and furnishing.....	111	5,520
Glass and pottery trades.....	7	618
Food and tobacco trades.....	160	7,701
Leather trades.....	62	1,186
General laborers.....	178	29,044
Miscellaneous trades.....	37	3,225
Trades not specified.....	11	2,072
Total	1,196	96,359

It is estimated that, so far as concerns the workpeople employed in industry and handicraft (over 18 years of age), rather more than three out of four men and nearly one woman in four are members of trade unions, while in some trades (especially

in building trades) fully 95 per cent of all the workpeople are organized.

It is stated that dispute pay is paid by 1,136 unions, with an aggregate membership of 88,763; unemployed pay by 465 unions, with 32,220 members; traveling pay by 676 unions, with 37,135 members; sick pay by 78 unions, with 3,932 members; accident pay by 82 unions, with 5,563 members; and funeral benefit by 191 unions, with 10,050 members; 48 unions, with 5,424 members, do not pay any of the benefits of the classes just referred to.—*Labor Gazette*, Jan. 1901.

Trade Unions in Sweden.

According to the Stockholm *Ekonomisk Tidskrift* for November, 1900, the trade unions affiliated to the National Federation of Trade Unions of Sweden on January 1, 1900, numbered 692, with an aggregate membership of 39,132. All except two of these unions also belonged to trade federations, of which 19 were affiliated to the National Federation. Five or six trade federations, with some 20,000 members, are stated not to belong to the National Federation. The total number of trade unionists in Sweden (including those enrolled in unions affiliated neither to a trade federation nor to the National Federation) is estimated at something over 60,000, as compared with 58,340 in 1898.

Statistics of Arbitration in New Zealand.

From a return to an order of the Legislative Council of New Zealand, it appears that the cases dealt with under the Conciliation Acts during the four years, April, 1896, to March, 1900, may be summarized as follows:

Year.	Settled by conciliation boards.	Sent to Court of Arbitration.	Total cases.
1896-97	3	4	7
1897-98	4	16	20
1898-99	8	17	25
1899-1900	14	20	34
Total	<u>29</u>	<u>57</u>	<u>86</u>

One case settled apart from the board is not included in the above figures, and three cases partly settled by boards are included among the cases sent to the Court of Arbitration.—*Labor Gazette*, Jan. 1901.

Strikes and Lockouts in England.

The twelfth annual report of the British Labor Department on the strikes and lockouts of 1899 states the number of disputes beginning that year as 719, involving directly or indirectly 180,217 workpeople. The report continues:

The most noticeable feature in the statistics for 1899 is the great decrease in the importance of the disputes compared with the two immediately preceding years. This reduction is most clearly shown by the fact that the aggregate duration of disputes in 1899 in working days was only 2,516,416, compared with 15,289,478 in 1898 and 10,345,523 in 1897. The two last mentioned years were exceptional as regards the magnitude and duration of trade disputes, owing to the great disputes in the mining and engineering trades. If, however, the figure for 1899 be compared with the average of the previous quinquennial period, namely, 8,927,010 working days per annum, it shows a falling off of over 70 per cent, and is, it may be pointed out, the lowest annual total yet recorded.

The table below gives the number of workpeople directly involved in disputes in 1899, classified according to principal cause and the results:

Principal cause.	NUMBER OF WORKPEOPLE DIRECTLY AFFECTED BY DISPUTES BE- GINNING IN 1899, THE RESULTS OF WHICH WERE—				Total number of work- people directly affected.
	In favor of workpeople.	In favor of employers.	Com- promised.	Indefinite or unsettled.	
Wages.....	22,668	45,643	25,716	624	94,651
Hours of labor.....	410	1,860	1,587	....	3,857
Employment of particular classes of persons.....	1,913	4,629	1,595	50	8,187
Working arrangements.....	8,330	1,732	7,833	....	17,895
Trade unionism.....	1,166	2,765	1,135	64	5,130
Other causes.....	2,321	3,646	2,371	....	8,338
Total.....	36,808	60,275	40,237	738	138,058

Of the 719 disputes involving stoppage of work which commenced in 1899, 38 affecting directly and indirectly 11,705 workpeople, or about 6.5 per cent of the total for all disputes, were brought to a close through the mediation of a third party or board or by reference to arbitration. Only two of the settlements, it may be observed, were by arbitrators under the Conciliation Act. A good many disputes were, however, prevented by joint committees or trade boards of employers and em-

ployees; it is known that 53 cases were settled in 1899 by joint boards of conciliation and arbitration, three being district and general boards and 50 trade boards.

The Commissioner of Labor adds that the aggregate duration of disputes during the first ten months of 1900 has been about 2,542,000 days compared with 2,288,000 for the corresponding period of 1899.

Strikes in Austria.

The latest report of the Austrian bureau of labor statistics on strikes and lockouts shows that 1899 broke all records for labor disputes in that country, thus:

	Strikes.	Estab- lishments.	Strikers.	STRIKERS WHO HAD			Days lost by strikes.	Average duration of each strike, days.
				Complete success.	No success.	Partial success.		
1894.....	172	2,542	67,061	6,133	85,909	25,019	795,416	12.34
1895.....	209	874	28,652	3,669	7,593	17,380	300,348	13.00
1896.....	305	1,499	66,234	3,046	21,591	41,597	899,939	15.00
1897.....	246	851	38,467	6,034	14,042	18,391	868,098	12.47
1898.....	255	885	39,658	3,315	9,987	26,356	323,619	11.18
1899.....	311	1,330	54,763	5,594	9,748	39,421	1,029,937	14.00

In 1899, over 55 per cent of the strikers were workpeople employed in textile industries and 77 per cent of all the time lost on account of strikes was in those industries. The building industries followed with 14.32 per cent of all strikers and 5.54 per cent of all time lost. The causes of strikes in the last six years were as follows:

	1894.	1895.	1896.	1897.	1898.	1899.	1894-99.	
							Strikes.	Per cent.
Advance in wages.....	30.81	42.58	45.90	47.15	48.63	45.98	665	44.39
Reduction of hours.....	11.05	14.83	21.97	19.11	21.17	23.47	291	19.42
Discharge of workmen.....	19.77	14.83	13.11	13.01	14.12	12.86	213	14.22
Reduction of wages.....	13.37	9.09	9.18	10.67	12.94	9.32	158	10.55
Factory regulations.....	9.30	3.83	3.93	7.32	7.84	5.79	92	6.14
Lengthening of hours.....	2.91	2.87	2.30	2.03	3.53	1.29	36	2.40

In the six years 1894-99 the most prolific cause of strikes has been dissatisfaction with wages, which account for 665 of 1,498 strikes, 44.4 per cent. In 1899 this average was slightly exceeded. In the last two years strikes for reduction of hours have been unusually numerous.

Strikes in Sweden, 1886-99.

A Danish economic journal gives the following statistics of strikes in Sweden since 1886:

Year.	Strikes and lockouts.	Workmen involved.	Days' work lost.
1886	12	1,185	15,700
1887	4	300	4,300
1888	12	2,200	5,350
1889	22	2,379	36,190
1890	107	3,900	126,100
1891	37	2,317	74,120
1892	16	1,346	106,900
1893	32	2,269	201,350
1894	18	768	4,790
1895	46	2,929	16,110
1896	50	4,600	195,200
1897	90	6,930	80,100
1898	134	16,700	184,400
1899	62	8,667	205,900

The Labor Market in Germany.

Statistics of sixty odd public employment offices in German cities indicate an approaching industrial crisis, according to *Arbeitsmarkt*. In comparison with 1899, the year 1900 has in nearly every month shown a larger proportion of the unemployed, thus:

MONTHLY NUMBER OF APPLICATIONS FOR EMPLOYMENT COMPARED WITH POSITIONS OFFERED.

	Jan.	Feb.	Mch.	April	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec
1898..	149.9	134.2	103.5	108.6	114.1	113.0	112.5	108.5	98.3	114.8	135.9	.....
1899..	131.6	111.1	89.3	95.5	98.9	93.6	100.7	92.5	99.9	109.0	130.8	124.2
1900..	125.3	111.9	94.8	96.7	101.2	103.4	111.2	107.3	100.6	120.4	158.1	161.9

While January, 1900, showed improvement over 1899 as well as 1898, thereafter the conditions in 1900 were less favorable to employment than in 1899, and from September on less favorable than 1898. In January, 1901, the last month to which the record extends, the ratio of applicants to positions open was larger than in any month recorded in the table (165.8). Early in the year the employers in several industries virtually ceased to engage additional workmen and in July they began to reduce their forces. The lack of work is felt most strongly in the textile industry, and among the metal workers, such as blacksmiths, locksmiths, etc.

It may be noted that in all European countries, except France, the amount of unemployment has lately increased. In Austria

and Russia the textile industry is suffering and in Belgium the iron and steel industry. In England the percentage of trade unionists out of work is increasing, as compared with the preceding year, and more unemployment is reported from Denmark and Norway.

Unemployment in France.

The French industrial census of March 29, 1896, shows that the number of unemployed on that date was 189,800 males and 77,100 females or a ratio to the entire number of workpeople of 1.57 for men and 1.21 for women. The largest percentage of unemployment was among the truckmen and other handlers of goods (18.64), followed by the stone cutters and polishers (13.26).

Illness and old age accounted for 29 per cent of the unemployment among men and 32.5 per cent among women. The following table shows the principal cause of idleness in each branch of industry:

WORKPEOPLE IDLE IN FRANCE MARCH 29, 1896.

	Illness or old age.	Dull season.	Other lack of work.	Cause unknown.	Total.
Industry unknown.....	3,416	1,101	2,178	4,338	11,033
Fisheries	142	270	97	121	630
Forestry and agriculture....	9,168	15,902	9,449	3,416	37,935
Extractive industries.....	1,089	212	448	134	1,883
Manufacturing industries...	39,875	34,419	27,754	29,265	131,313
Transportation	12,234	6,841	8,223	9,897	37,195
Trade, banking.....	6,887	3,057	8,095	8,562	26,601
Liberal professions.....	1,080	435	1,076	942	3,533
Personal and domestic ser- vices	6,452	1,883	5,054	5,496	18,885
Public employment.....	256	24	78	236	594
	<u>80,599</u>	<u>64,144</u>	<u>62,452</u>	<u>62,407</u>	<u>269,602</u>

The length of time which the unemployed had been idle at the date of the census was also ascertained and was found to be on the average about two months (excluding all who had been idle a year or more); 10.3 per cent had been idle one week, 11.3 two weeks, 15.4 per cent from three to four weeks, 12.0 per cent from five to eight weeks, 9.6 per cent from nine to twelve weeks, 12.3 per cent from thirteen to 25 weeks, 2.5 per cent from 26 to 51 weeks, 9.4 per cent a year or more, and 17.2 per cent for a period not ascertained.

Seats for Store Clerks in Germany.

Rules concerning the provision of seats for store clerks have been issued by the Federal Council of Germany under date of November 28, 1900, and are to take effect from April 1, 1901. These rules provide that in the sales rooms and counting houses of shops and similar establishments a sufficient number of seats for the use of assistants and apprentices must be supplied, and that for those who may be employed in serving customers, the sitting accommodation must be arranged in such manner as to permit of its being used even during short intervals of leisure, and generally that all members of the staff shall be at liberty to make use of the seats at all times at which their so doing will not interfere with the performance of their duties.

The French Industrial Census.

The results of the industrial census taken in France, March 29, 1896, are now publishing and go to show the continued predominance of agricultural over industrial interests in that country at the end of the nineteenth century. At the date of the census, 46.3 per cent of all persons pursuing gainful occupations were engaged in agriculture, forestry or the fisheries, while only 34.5 per cent were engaged in mechanical industries (mining, manufacturing and transportation); trade and banking occupied 8.7 per cent, the liberal professions and public employment (including the army), 5.3 per cent, personal and domestic service 5.3 per cent.

Interest attaches to the fact that in the purely manufacturing establishments there are only 4.3 employees to each employer, which is partly a consequence of the persistence of the small Parisian shops engaged in the manufacture of clothing and art goods. In all France there are eighteen manufacturing establishments with a force of more than 2,000 employees each, including two with a force of more than 5,000 each. The table on the opposite page shows the size of establishments in each of the branches of industry, while the table on page 42 is a general summary of the census with respect to the industries and occupations of the people.

DISTRIBUTION OF ESTABLISHMENTS ACCORDING TO NUMBER OF WORKMEN.

[From *Bulletin de l'office du travail*, June, 1900.]

INDUSTRY OR OCCUPATION.	0*	1 to 4.	5 to 10.	11 to 20.	21 to 50.	51 to 100.	101 to 500.	501 to 1,000.	1,000 to 2,000.	Over 2,000.	Size unknown.
Industry unknown.....	78	175	6	.....	.....	.....	.....	.....	.....	.....	11
Fisheries.....	866	8,973	691	.....	.....	.....	.....	.....	.....	.....	790
Forestry and agriculture.....	480,715	1,358,363	106,407	7,910	2,012	202	31	.....	.....	.....	14,620
Extractive industries.....	253	4,276	1,136	502	2,377	144	124	17	21	22	67
Manufactures.....	87,413	485,674	46,335	16,833	10,904	3,709	2,997	258	80	14	8,752
Transportation.....	1,013	13,970	1,936	679	343	91	66	5	1	5	1,807
Trade, banking, etc.....	71,470	198,117	16,743	4,298	1,639	303	128	5	7	3	16,335
Liberal professions.....	847	27,076	4,350	1,425	877	221	74	.....	.....	.....	2,564
Personal and domestic service.....	571	11,677	175	20	11	.....	.....	.....	.....	.....	156
Public employment.....	.....	20	9	7	3	12	24	20	7	7	1
Total.....	593,228	2,108,321	179,788	31,747	16,218	4,693	3,446	305	116	51	45,103

* This column corresponds to cases in which husband and wife, or two other associates, work together without assistants.

INDUSTRIAL CENSUS OF FRANCE OF MARCH 29, 1896.

INDUSTRIES OR OCCUPATIONS.	ENGAGED IN GAINFUL PURSUITS.			EMPLOYERS.		EMPLOYEES.		SMALL PROPRIETORS, CASUAL LABORERS, ETC.
	Male.	Female.	Sex unknown.	Total.	Male.	Female.	Male.	Female.
Occupation unknown.....	26,318	16,235	4,155	46,708	166	175	14,468	1,639
Fisheries.....	66,388	5,236	2	71,626	11,149	2,392	22,045	2,588
Forestry and agriculture.....	5,674,713	2,764,593	743	8,439,059	1,822,000	1,250,738	2,185,975	28,516
Extracative industries.....	8,292,040	4,769	18	8,296,815	6,127	210	2,014,611	1,600,014
Manufactures.....	3,498,077	1,898,947	1,345	5,378,369	493,619	193,595	2,100,951	824,630
Transportation.....	1,481,731	180,760	129	1,712,611	18,445	2,517	438,975	728,832
Trade, banking, etc.....	1,091,977	571,079	1,761	1,663,817	261,332	169,105	474,562	43,872
Liberal professions.....	1,190,546	188,460	1,170	1,379,016	26,255	9,775	183,265	263,603
Personal and domestic service.....	217,197	787,941	13,928	999,064	11,767	2,531	183,265	86,790
Public employment.....	584,134	104,618	311	688,093	.....	.....	583,700	16,381
Total.....	12,061,121	6,382,658	23,559	18,467,338	2,650,750	1,630,848	6,301,948	2,773,280
								1,517,728

Steam Power in France.

The French *Office du Travail* has lately issued a report upon steam-power used in all French industries save railroad and steam boat transportation. It appears that in agriculture steam furnishes power equal to 101,537 units or 1.81 horse-power per capita of the male population actively engaged in agriculture (5,611,628); while in industry proper steam-power of 1,283,749 units is utilized which gives 22.68 horse-power to each of the 5,661,588 persons employed therein. Of the aggregate 47,680 establishments using steam-power, 23,136 or two-thirds (67.67 per cent), have small engines developing not more than 10 horse-power. Nevertheless these establishments develop only 12 per cent of the aggregate power used, as will be observed in the following table:

INDUSTRIES.	Number of establishments.	Aggregate horse-power (steam).	DISTRIBUTION OF POWER AMONG THE ESTABLISHMENTS WITH—				
			0-10 h. p.	11-50 h. p.	51-200 h. p.	201-1,000 h. p.	More than 1,000 h. p.
Not employed industrially.....	48	426	129	192	105	.....	.....
Industry not ascertained..	26	388	89	80	217	.....	.....
Fisheries.....	2	9	9	.....	.....	.....	.....
Agriculture and forestry..	(2) 14,543	101,536	68,650	29,219	3,136	531	.....
Extractive industries.....	631	177,218	1,217	5,283	10,302	86,434	123,082
Manufacturing industries..	(3) 31,419	1,091,821	99,941	221,267	241,065	289,801	239,747
Transportation, storage, etc....	164	22,722	390	1,102	2,676	13,209	5,345
Commerce, theaters, banks..	(4) 368	15,903	1,280	2,039	2,796	6,963	2,825
Liberal professions.....	(2) 154	2,318	475	798	820	225	.....
Personal service, baths, etc..	(5) 160	792	448	344	.....	.....	.....
Public administration.....	(2) 165	22,851	405	1,471	2,155	2,901	13,919
Total	(6) 47,680	1,435,982	173,038	261,795	263,272	350,064	387,818

- (2) Horse power not ascertained in 4 establishments.
 (3) Horse power not ascertained in 174 establishments.
 (4) Horse power not ascertained in 1 establishment.
 (5) Horse power not ascertained in 5 establishments.
 (6) Horse power not ascertained in 192 establishments.

Miscellaneous.

The January *Bulletin* of the United States Department of Labor contains an account of the workings of the British Workmen's Compensation Act, which treats chiefly of its legal aspects. Another article gives the statistics of accidents to labor in the United States. The statistics of accidents in mines and upon railways are very complete, but the only factory statistics quoted

are those published in the report of the New York Bureau of Labor Statistics in 1899. Other leading articles are "Prices and Wages in Manila," and "Negroes of Sandy Spring, Maryland."

The Central Bureau of Statistics established by Holland in place of the Commission of Statistics has issued two volumes in a new series of "Contributions." The first is an *Aperçu*, in French, which describes the commerce, industry, agriculture and other activities of the country in its historical development. (*Enige Hoofdstukken uit het Aperçu sur la Hollande par M. d'Alphonse*). The second volume is devoted to the statistics of finance of the Dutch towns and cities in 1896.

The March *Bulletin* of the United States Department of Labor contains the concluding article in Mr. Willoughby's series of Foreign Labor Laws. The subject of the article is the legislation of Australasia and Canada and one of its noteworthy features is a reprint of the text of the New Zealand Compulsory Arbitration Act. A second leading article describes the operation of the British Conspiracy Act with particular reference to picketing and the right of union men to strike against the employment of non-unionists.

The Reliance Labor Club of Marble Cutters and Carvers, L. A. 3873, K. of L., of Manhattan Borough, New York, recently renewed its agreement with the Marble Industry Employers' Association of New York City and Vicinity. Several important changes appear in the Compact, which is to be in effect from August 1, 1901, to May 1, 1903. By its terms the minimum wage rates for an eight-hour working day will be \$4.50 for cutters and \$5 for carvers—an advance of 50 cents per day for both classes, and the jurisdiction of the union is to extend twenty-five miles from the New York City Hall. The remaining provisions of the agreement entered into by the parties above named on May 1, 1900, to be operative for one year, including the Saturday Half-Holiday, are to continue in force until May 1, 1903.

JUDICIAL DECISIONS.

The Prevailing Rate of Wages Law Unconstitutional.

The most notable of recent judicial decisions on the labor law was rendered February 26 by the Court of Appeals, which pronounced unconstitutional the provision of the law that workmen employed by contractors on public work of municipalities must be paid the prevailing rate of wages. In fact, the decision apparently goes much farther than this and holds all legislation prescribing the compensation of workmen employed by contractors on public work to be contrary to the Constitution. And if certain *obiter dicta* and arguments advanced in the prevailing opinion were to prevail in future decisions, they would be sufficient to sweep off the statute books a very considerable part of the labor legislation of this State. It is already contended that the sections of the Labor Law prohibiting the employment of aliens on public work, the use of stone dressed outside the limits of the State, etc., are unconstitutional; and it might even be argued with plausibility that the entire mass of factory and labor legislation will be declared unconstitutional because it invades the freedom of contract.

The prevailing rate of wages law dates back to 1894 (Chapter 622), but its germ is found in Chapter 380 of the laws of 1889, which provided that the wages of day laborers employed by the State should not be less than two dollars a day.* The validity of this statute was attacked, but was upheld by the unanimous decision of the Court of Appeals; Judge Denis O'Brien, the author of the latest decision on the prevailing rate of wages law, then wrote the opinion and said:

*Chapter 380:

AN act to regulate the rate of wages on all public works in this State, and to define what laborers shall be employed thereon.

Section 1. From and after the passage of this act the wages of day laborers employed by the State, or any officer thereof, shall not be less than two dollars per day, and for all such employed otherwise than day laborers, at a rate of not less than twenty-five cents per hour.

§ 2. In all cases where laborers are employed on any public work in this State, preference shall be given to citizens of the State of New York.

§ 3. This act shall take effect immediately.

[Approved by the Governor June 6, 1889.]

Section 1 of this act was repealed by chapter 218, Laws of 1890.

There is no expressed or implied restriction to be found in the Constitution upon the power of the legislature to fix and declare the rate of compensation to be paid for labor or services performed upon the public works of the state. As the state may make its own contracts and may authorize its agents to make contracts of a particular kind and no other, it follows that any act which simply seeks to define the contracts which the state will enter into, or any agency of the state may make, is valid and effectual.*

The prevailing rate of wages clause (which by the act of 1894 was inserted in the eight-hour law of 1870, was retained in the codification of 1897—Chapter XXXII of the general laws—and strengthened by Chapter 567 of the laws of 1899) differed from the law of 1889 less perhaps in principle than in method. In the first place, it applies to workmen employed on public work not only by the State directly, but also indirectly through the medium of private contractors; secondly, it applies to all civil sub-divisions of the State; thirdly, it prescribes an indefinite instead of a definite rate of wages. The grounds on which it is held unconstitutional by the prevailing opinion are briefly as follows:

1. In making local improvements a city is not an agent of the state; its right of self government entitles it to make its own contracts for such improvements, which cannot be prescribed by the state without violating constitutional guarantees.

2. The constitution provides that the public expenditures of a city shall be only for city purposes; hence the city cannot make a contract which obligates it to pay more than the necessary or market rates of wages, because such a contract requires the expenditure of public funds for a private purpose.

3. The act violates the constitutional rights of liberty and property of local property owners, who bear the expense of the improvement; because, when the expense is enlarged beyond its actual and reasonable cost, their property is taken without due process of law.

4. Similarly, the property (i. e. contract) of the contractor is taken without due process of law by the imposition of burdensome conditions with respect to the means of performance of the contract, thereby depriving him of its benefits.

As the case is of so great importance both in its interpretation of legal principles and its financial effect upon the city (\$6,000,000 having been due to employees, it was said, under the law at the time), it will be profitable to sketch the history of the case.

*Clarke vs. State of New York, 142 N. Y., 105.

William J. Rodgers, the relator in the present case, held a contract from the city of New York to regulate and grade a road in that city. On April 19, 1900, P. McMahon, Master Workman, D. A. 49, K. of L., sent a letter to Comptroller Coler stating that Rodgers, among other contractors, was not paying the prevailing rate of wages to his drillers and engineers, and protesting against any and all money being paid until the contractors complied with the law. On the 23d of April the city's engineer in charge of the work and the commissioner of highways certified that for work satisfactorily performed during the month of March there was due to the contractor the sum of \$2,863. A warrant for this amount was withheld by the comptroller on the ground that the contractor had violated that clause in the contract, which, in accordance with the Labor Law, required him to pay the prevailing rate of wages. The contractor thereupon applied to the Special Term of the Supreme Court for a writ of mandamus requiring the comptroller to deliver said warrant. The court denied the application; and appeal was taken to the Appellate Division of the Supreme Court, which at the December term reversed the decision of the lower court and granted the mandamus. The court was divided in its decision, Judges Hatch and Patterson concurring in the prevailing opinion of Judge Ingraham, while Judge Van Brunt concurred in Judge Morgan J. O'Brien's dissenting opinion.

Judge Ingraham in construing the law admitted the right of the Legislature to prescribe the form of contracts between municipal corporations and private contractors, but held that the city once having accepted the work was obligated to pay for it; the city having failed to exercise its option of avoiding the contract, accepted the benefits of the work, and thereby waived its right to declare the contract void:

I am satisfied that the legislature has power to prescribe the form of contracts which shall be made by municipal corporations with those entering into contracts with it. No one is bound to enter into such a contract or do work for a municipal corporation, but when he does he must accept the terms of the contract as prescribed by law, and if he voluntarily makes a contract by which he is to receive pay only upon condition of his performing certain obligations or doing the work that he agrees to do in a certain way, the contractor certainly cannot complain if the city refuses to pay, except upon his compliance with the terms of his engagement. Where, however, the legislature authorizes

the municipal corporation to make a contract, under and by the terms of which the contractor is entitled to receive certain sums of money at certain stated periods upon performing the work that he agrees to do, and the contractor performs the work which entitles him to a payment, no act of the Legislature can relieve the municipal corporation from the obligation to pay. The effect of such a construction of this act as is asked for by the counsel for the respondent would lead to the result that, although a contractor has finished his work, and such work has been accepted by the city, if it should subsequently appear that the contractor had paid to one particular employee less than was subsequently ascertained to have been the prevailing rate of wages, then his whole right to receive from the city the amount that it was agreed should be paid is swept away by force of this provision of the statute. I cannot believe that such was the intention of the Legislature, and I do believe that if it was intended it was a violation of the Constitution and void. (56 App. Div. 109.)

Judge O'Brien in his dissenting opinion was inclined to maintain the validity of the act, but did not think the court was called upon to determine that question. He believed that a mandamus should be denied, and the issue tried by action brought in the regular course, saying:

A disposition of the questions upon a summary application such as this would deprive the respondent of a proper legal advantage which he would have if the relator is compelled to resort to his remedy by action. Thus it would be necessary for the relator to allege in the complaint, and if the allegation were denied, to prove at the trial that he had faithfully performed all the terms and conditions of the contract with the city, including the provision therein by which he agreed to comply with the Labor Law. Upon his failure to make such proof, his right to the amount of the payment here sought would be seriously imperilled..... We think that the relator should be confined to his remedy by action to the end that all the questions, both of law and fact, may be formally and deliberately considered upon a trial rather than here upon the affidavits on a summary application for a mandamus. (56 App. Div. 112.)

From the order for a writ of mandamus Comptroller Coler appealed to the Court of Appeals which handed down a decision on February 26, 1901, affirming the order by a vote of five to two. Judges Bartlett and Vann concurred with Judges O'Brien and Landon for affirmance and Judge Martin concurred with Judge O'Brien. Chief Justice Parker and Justice Haight read dissenting opinions.

Judge O'Brien, who wrote the prevailing opinion, concluded that "in so far as the statute is invoked to shield the city from the obligation to pay the relator the money due to him, it is

not a valid defense, for the reason that some of its most material provisions are in conflict with the Constitution:

"1. Because in its actual operation it permits and requires the expenditure of the money of the city or that of the local property owner for other than city purposes.

"2. Because it invades rights of liberty and property in that it denies to the city and the contractor the right to agree with their employees upon the measure of their compensation, and compels them in all cases to pay an arbitrary and uniform rate which is expressed in vague language, difficult to define or ascertain, and subject to constant change from artificial causes.

"3. Because it virtually confiscates all property rights of the contractor under his contract for breach of his engagement to obey the statute, and it attempts to make acts and omissions penal which, in themselves, are innocent and harmless. It, in effect, imposes a penalty upon the exercise by the city or by the contractor of the right to agree with the employees upon the terms and conditions of the employment."

Judge O'Brien's opinion is reprinted in full at the close of the article.

Judge Parker's dissenting opinion begins with a strong affirmation of the right of the State, as a proprietor, to prescribe the condition of contracts into which its agents may enter. The terms may be wise or foolish but the courts have no right to encroach upon the prerogatives of the Legislature in prescribing those terms. And private contractors certainly have no grievance for they are not obliged to accept a contract if they do not like its terms. Of course, a provision in the contract requiring the contractor to pay the current rate of wages "would interfere with his liberty to hire men for lower wages. So a provision that he must use a certain brand of cement which is no better and costs more than other brands would interfere with his liberty to buy first-class cement at a lower price." But "his liberty is not thereby interfered with at all within the meaning of the Constitution, for he has solemnly covenanted in his agreement that he shall not be at liberty to do anything in the course of the performance of the contract contrary to the wishes of the proprietor as expressed in the written contract." Says Judge Parker:

The reason by which the decision about to be made is sought to be supported fails to persuade me that it is other than a judicial encroachment upon legislative prerogative; for it is that and nothing less if the

statute does not offend against either the Federal or the State Constitution. If the statute, which seems to be regarded by some as vicious in its tendency, attempted to regulate the question of wages as between citizens of the state so as to affect even in the slightest degree the basis on which one citizen should contract with another, then not only would much of the discussion which this statute has invoked be relevant, but the decision about to be made would be unquestionably sound. The Legislature, however, intended nothing of the kind, and the statute not only omits to express any such purpose, but it is so carefully guarded as to leave no room for doubt that the Legislature, appreciating the limits of its authority, intended to and did simply provide with certainty that those who work directly for the State or upon public works within the State, shall receive that which may be termed going wages in the locality in which any particular public work is being carried on as will at once appear from a reading of the statute, so much of which as is germane to the question under discussion being set out in the statement of facts. In other words, the Legislature, which is vested with the power to direct the conduct of the business operations of the State, by this statute has not only declared it to be the policy of the State as a proprietor to pay the prevailing rate of wages, but has enjoined upon its several agents and agencies the duty of executing this policy. An attack upon this statute, therefore, assails the right of the State as a proprietor to pay such wages as it chooses to those who either work for it directly, or upon any work of construction in which it may be engaged.

No one has presumed to challenge the right of an individual either to pay the prevailing rate of wages in his locality, or, if he concludes to have his work done by contract, to refuse to award it to a contractor who will not agree to pay the going wages to all employees that may be engaged upon the work. But the State seems to be regarded in some quarters as having less power as a proprietor than an individual, so that what an individual may contract to do in the performance of his own work, the State itself may not do when it assumes the role of proprietor and attempts the construction of important public work.

Now, having called attention to the fact that the statute by its terms is expressly limited to laborers employed upon the work of which the State, in its entirety or through some subdivision thereof, is the proprietor, we come to the question whether there is any provision of either the Federal or State Constitution that so far restricts the power of the State in constructing its buildings or other public works, that it has less liberty of action than one of its citizens. That it has, to say the least, as much power as a proprietor as has any of the individuals of which its citizenship is comprised, would seem to be a self-evident proposition. But as evidence is not wanting that it is not so regarded by others the subject must have some consideration. In 1889 the Legislature provided by statute that from and after the passage of the act the wages of day laborers employed by the State, or any officer thereof, should not be less than two dollars per day. (Chapter 380 of the Laws of 1889.) It is difficult to imagine from what source the idea could have been born that this statute was unconstitutional, in view of the fact that it was known of all men that the Legislature had always fixed the compensation of

its executive, legislative and judicial officers, and had provided from the beginning what compensation, if any, should be paid to all of the county and city officers throughout the State. Indeed, the compensation for every kind and character of service whatsoever had always been fixed either by the Legislature directly, or through agencies created by it, the original source of power in all cases being the Legislature. Nevertheless, there were those who conceived the absurd idea that there was some distinction between the compensation for day laborers and the compensation for all others engaged in the service of the State, and so the demand of one, Clark, who was employed upon the canals, for the compensation fixed by the Legislature, was challenged and finally came to this court, where the question was put at rest by a unanimous decision, which held that "There is no express or implied restriction to be found in the Constitution upon the power of the Legislature to fix and declare the rate of compensation to be paid for labor or services performed upon the public works of the State. That legislation is doubtless open to criticism from the standpoint of sound policy and expediency, but the courts have nothing to do with these questions so long as it is not in conflict with the Constitution, and we think that a general law regulating the compensation of laborers employed by the State or by officers under its authority, which disturbs no vested right or contract, was within the power of the Legislature to enact, whatever may be said as to its wisdom or policy." (*Clarke v. State of N. Y.*, 142 N. Y. 101.)

Now, certainly it need not be argued that, if the Constitution contains no restriction "upon the power of the Legislature to fix and declare the rate of compensation to be paid for labor or services performed on the public works of the State," there is nothing in the Constitution to restrict the power of the Legislature in declaring that "the rate of compensation to be paid for labor or service performed on the public works of the State" "shall (in the language of the statute) not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the State where such public work on, about or in connection with which labor is performed, in its final or completed form is to be situated, erected or used." So, if authority be needed, we have the authority of this court that the Legislature has the power to provide that the policy of the State shall be to pay the going rate of wages in the locality in which a public work is to be done and to command its agents to obey its directions in that regard. For illustration: Were it now engaged in the erection of a new capitol, the public officer or officers having in charge the construction by appointment of the Legislature, would, under the authority of the *Clarke* case, be obliged to pay the prevailing rate of wages in Albany, and if, in the course of construction, it should be determined to do some part of the work by contract, as was the case during the last year of work upon the capitol, those having in charge the construction would be obliged to provide in the contract that the contractor shall pay the prevailing rate of wages in Albany. Of course, a contractor would not be obliged to accept a contract under such terms; but certainly would do so if he wished the work, for the State as proprietor would have the right to impose any terms it might choose as a condition of awarding the contract, just as an individual

might do. Terms might thus be imposed which would be wise or very foolish for both the State and the contractor, in the estimation of the latter; but it is the proprietor's right to be unwise if he so wills, in which respect the State is perhaps both in theory and practice on an equality with its citizens. The provision in the contract requiring, in effect, that he should pay the going wages would, of course, interfere with his liberty to hire men for lower wages. So a provision that he must use a certain brand of cement which is no better and costs more than other brands would interfere with his liberty to buy first-class cement at a lower price than the brand named. A provision that some or all of the figurework cut out of stone should be done by workmen from Italy, would perhaps interfere with the employment at less expense of men of equal or greater skill at home who could do equally good or better work, and to that extent his liberty to so contract as to make a greater profit for himself, without injury to the proprietor, would be interfered with; but it is interfered with only because he assents to the proprietor's wishes and contracts that it shall be so, and hence his liberty is not interfered with at all within the meaning of the Constitution; for he has solemnly covenanted in his agreement that he shall not be at liberty to do anything in the course of the performance of the contract that shall be contrary to the wishes of the proprietor as expressed in the written contract.

Judge Parker then goes on to show that the Legislature has an equal right to prescribe the terms of the contracts for public work entered into by the municipalities of the State. "The authority of the State," he says, "is supreme in every part of it, and in all of the public undertakings the State is the proprietor." This argument is developed at considerable length, but as it is not the really essential point in dispute, we may leave it after quoting the precedent cited by Judge Parker as having absolute authority in the matter. "A municipal corporation is, so far as its purely municipal relations are concerned, simply an agency of the State for conducting the affairs of government and as such it is subject to the control of the Legislature." (*Williams v. Eggleston*, 170 U. S. 304.)

But even if the statute were unconstitutional, that fact would not, in Judge Parker's opinion, invalidate the provisions in the contract freely entered into by the contractor, that the prevailing rate of wages should be paid to his workmen.

Judge Parker also holds that "the argument that the relator is entitled to a mandamus against the comptroller because he had not avoided the contract before this proceeding was instituted" is without force, because it appeared "that no part of the work

for which a warrant is claimed was performed after the comptroller's knowledge of the relator's default." The comptroller "resisted payment both before and after the commencement of legal proceedings on the ground that the contract had become void because of the conduct of the contractor, and that is all he was obliged to do in order to relieve the city from making further payments under a void contract."

Judge Parker therefore advised a reversal of the order of the Appellate Division and an affirmance of that of the Special Term.

Two points in the opinion of Judge Landon deserve attention: In one, he denies that analogy exists between the quality of materials to be used in public work and the rate of wages to be paid to workmen employed thereon; in the second, he exposes the indefiniteness of the legal phrase "the prevailing rate of wages:"

The State, like an individual, may contract for the kind and quality of materials to be furnished in a given construction; otherwise it may not get what it wants. It is, I submit, false analogy, to assume that it has the right to dictate to the contractor the wages he shall pay his workmen. They are not parties to the contract; it is not made for their benefit; the State cannot directly give them gratuities, and, therefore, cannot indirectly do so through the contractor; much less by extortion masked under the power to contract. Conceding that the State has a benevolent sentiment of concern in the matter of workmen's wages, that sentiment has no relation to the subject-matter the contractor has agreed to deliver; and because it has none, the contrary claims of the State has no just basis. The contract calls for a certain kind of work by Rogers the relator. If he furnished it, it is of no more business concern to the State than to the individual whether he has meantime furnished his workmen with tooth brushes or paid them extra wages.

It is admitted that the contractor paid less than the prevailing rate of wages. No doubt that is true if the highest rate among the best workmen is the test. But what is the prevailing rate of wages? Is it the rate that the best workmen or the largest mass of workmen, or the average workmen, can command? Does it depend upon ability? If so, of which grade? Or upon numbers? If so, is it the majority of all or of a class? And if of a class, of which class, and why? What rights have those who do not come within the dominant class? Does it depend upon supply and demand? Upon fair competition? How can we tell? Must we not conclude that a statute which simply says the prevailing rate of wages is too indefinite in its meaning to be made the test or condition of a penalty or forfeiture? When a penal statute leaves doubtful the kind of act it denounces the accused is entitled to the benefit of the doubt, and though he may not insist upon the doubt the State out of self-respect should refrain from inflicting the penalty.

THE PEOPLE OF THE STATE OF NEW YORK ex rel. WILLIAM J. RODGERS, Respondent,
v. BIRD S. COLER, as Comptroller of the City of New York, Appellant.

(Decided February 26, 1901.)

APPEAL by the defendant, as comptroller of the city of New York, from an order of the Appellate Division of the Supreme Court in the first department, reversing an order of the Special Term denying the relator's motion for a peremptory writ of mandamus commanding the comptroller to deliver to him a warrant on the chamberlain of the city of New York for the payment of \$2,863, the amount earned by the relator under a contract with the city for regulating and grading One Hundred and Thirty-fifth street, from Amsterdam avenue to the Boulevard, and granting relator's motion for the writ.

The papers upon which the relator made the application show that on the 5th day of February, 1900, he made and entered into a contract with the city for regulating and grading that part of the street above described. The contract provided that in order to prevent disputes and litigation the chief engineer of highways should, in all cases, determine the amount and quantity of the several kinds of work which were to be paid for under the contract, and all questions in relation to his work and the construction thereof, and that his estimate and decision should be final and conclusive upon the contractor and a condition precedent to his right to receive any money under the contract. It is alleged that the relator proceeded to perform and carry out this contract and prior to the application had performed the same according to his promise and to the satisfaction of the commissioner; that subsequently the chief engineer in charge of the work and the commissioner of highways made their certificate in writing that there was earned under the contract, in accordance with the terms thereof, by the relator, and then payable to him, the sum of \$2,863. This certificate was filed in the office of the comptroller, who thereupon drew his warrant on the chamberlain for that sum, but refused to deliver the same to the relator, or to make the payment under the contract. The refusal of the comptroller is based entirely upon the fact alleged that the relator in the performance of the contract violated certain provisions of the Labor Law (chap. 415 of the Laws of 1897, as amended by chap. 192 and chap. 567 of the Laws of 1899).

The following are, in substance, the provisions of this statute so far as they have any relation to the present case:

1. The wages to be paid for a legal day's work, as hereinbefore defined, to all classes of such laborers, workmen or mechanics upon all such public work or upon any material to be used upon or in connection therewith shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the State where such public work on, about or in connection with which such labor is performed in its final or completed form is to be situated, erected or used. Each said contract hereafter made shall contain a stipulation that each such laborer, workman or mechanic employed by such contractor, sub-contractor, or other person on, about or upon such public work shall receive such wages herein provided for.

2. Each contract for public work hereafter made shall contain a provision that the same shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of this act, and no such person or corporation shall be entitled to receive any sum, nor shall any officer, agent or employee of the State or of a municipal corporation pay the same or authorize its payment from the funds under his charge or control to any such person or corporation for work done upon any contract which in its form or manner of performance violates the provisions of this section.

3. Any officer, agent or employee of this State, or of a municipal corporation therein, having a duty to act in the premises, who violates, evades or knowingly permits the violation or evasion of any of the provisions of this act shall be guilty of malfeasance in office, and shall be suspended or removed by the authority having the power to appoint or remove such officer, agent or employee, otherwise by the Governor. Any citizen of this State may maintain proceedings for the suspension or removal of such officer, agent or employee, or may maintain an action for the purpose of securing the cancellation or avoidance of any contract which, by its terms or manner of performance, violates this act, or for the purpose of preventing any officer, agent or employee of such municipal corporation from paying or authorizing the payment of any public money for work done thereupon.

The contract was framed in compliance with these provisions of the law and contains the following stipulation: "The wages to be paid for a legal day's work, as hereinbe-

fore defined, to all classes of such laborers, workmen or mechanics upon all such public work, or upon any material to be used upon, or in connection therewith, shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the State where such public work on, about or in connection with which labor is performed in its final or completed form is to be situated, erected or used. It is further agreed that each such laborer, workman or mechanic employed by such contractor, sub-contractor or other person in, about or upon such public work shall receive the wages hereinafter set forth. It is further agreed that this contract shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of the Labor Law. * * * The contract is to be void and of no effect unless the rate of wages specified in section three of said Labor Law is paid, and where laborers are employed preference is to be given to citizens of the State of New York, as provided in section thirteen thereof."

The contractor paid to the persons employed by him in execution of the contract wages fixed as to amount by mutual agreement, and it is conceded that he paid all that was demanded of him or that he agreed to pay. But since it was conceded that the contractor did not in all cases pay the prevailing rate, the court at Special Term held that the contract and the law were violated and that the relator was not entitled to the writ. The Appellate Division, by a divided court, reversed the order and granted the relator's application, and from this order the corporation has appealed to this court.

John Whalen, Corporation Counsel (Theodore Connolly and Terence Farley, of counsel), for appellant.

L. Laflin Kellogg for respondent.

O'BRIEN, J. There is no dispute with respect to the facts upon which this controversy depends. They are all admitted upon the record and the appeal involves only questions of law. On the 5th day of February, 1900, the relator entered into a written contract with the proper administrative officer of the city of New York whereby he undertook to regulate and grade a street. The law required that the work should be done by contract. It was a local improvement, the expense of which was ultimately to be charged to and paid by the local property owners. The city was the authority or agency to inaugurate the work, but since it was for the benefit in whole or in part of private property the owners or their property became liable ultimately for the cost. That the relator actually performed the work embraced in the contract is not denied or disputed. The certificate of the officer in charge of the street was, by the terms of the contract, to be the evidence of performance, and that certificate was given and filed with the defendant, as comptroller, showing that the contract price stipulated to be paid had been earned, and the only ground upon which the defendant has based his refusal to pay is that the relator has not kept a certain stipulation in the contract, which has no relation whatever to the actual performance of the work, but to matters entirely extraneous. In other words, the comptroller asserts that, while the relator has actually performed the work and earned the compensation under the contract, he has forfeited the right to demand payment, since he has not observed the terms of the Labor Law. He contends that it is not enough that the relator has performed the work, according to the specifications of the contract, unless he performed it by the very means and agencies therein stipulated; that the means and agencies prescribed by the contract were not mere matters of form but matters of substance. The duty enjoined upon the comptroller, the performance of which is commanded by the writ, was ministerial, and if the relator was not entitled to the writ absolutely and as matter of legal right, the court below had power to grant it in the exercise of discretion, and having granted it, the action of the court in that respect is not reviewable here. (*People v. Board of Education*, 158 N. Y., 125; *People ex rel. Jacobus v. Van Wyck*, 157 N. Y., 495). The court below had power to grant the writ and having the power, it is of no consequence, even if it be true as alleged, that the reasons given for its action are untenable.

It must be admitted that the attitude of the city authorities in this respect presents a curious and anomalous situation which involves some startling results. If they are right in the position taken, it must follow that the city must accept and receive the benefit of the improvements made by contractors to the extent of thousands or millions of dollars, and though conceding that the work is honestly done, precisely according to the specifications of the contract, yet it may refuse to pay if it is able to show that the contractor has not, in the execution of the contract, paid to all the workmen employed by him what is called the prevailing rate of wages. The city may accept the work and the citizens may enjoy the benefit of it and treat the contract price as some-

thing forfeited by the contractors for their benefit. It is obvious that the reasoning and argument that leads to such a result must be at some point inherently faulty. It is not possible that such injustice can be sanctioned by the courts of any State where the principles of the common law are recognized. The fact that certain provisions of the Labor Law were actually incorporated into the contract signed by the contractor cannot change or add anything to the strength of the position assumed by the city. The relator is not estopped by the agreement when there is no element of estoppel in the case, and the question is with respect to the validity of the statute and not the construction or effect of the contract in that regard. If the law is valid it governs the contract and the rights of the parties whether actually incorporated into writing or not, since all contracts are assumed to be made with a view to existing laws on the subject. If it is not valid the contractor has not made it so by stipulating in writing to obey it and prescribing the penalty for his own disobedience which is the forfeiture of all rights under the agreement. It is not in the power of the Legislature to protect an invalid law from judicial scrutiny by providing that it must receive the assent of the parties to every contract to which it relates. The argument that the relator is bound by his voluntary assent to the terms of the contract would apply with equal force to the city and estop it from raising the question now before us, since by the certificate of its own officers that the amount claimed is justly due to the relator, according to the terms of the contract, the question of performance is deemed to be settled. The parties stipulated that this certificate should be final and conclusive, and it is not impeached for fraud or invalidity. Courts in such cases are not bound by mere forms, but must look at the substance of things, and so viewing this transaction it would be idle to attempt to deceive ourselves with the idea that the question involved in this appeal arises out of the stipulations of the parties to the contract or is governed by them, rather than the provisions of a statute. The contract is in the form that we find it, not because the parties so elected to contract, but for the reason that the statute would not permit them to contract in any other way.

Nor is it entirely true that the statute is a mere direction by the sovereign authority to one of its own agencies to contract in certain cases in a particular way. It is all that no doubt and very much more, since it affects personal and municipal rights in many directions that are vastly of more importance than the mere form of a contract to perform municipal work. It is true enough that a city is an agency of the State to discharge some of the functions of government, but these terms do not adequately describe its true relations to the State or the people.

A municipal officer directing a local improvement is not the agent of the State. He is the agent of the city and the city alone is responsible for his negligence or misconduct. If the authorities in charge of the streets of a city are agents of the State, the city ought not to be held liable for their acts or omissions. The city of New York exists under charters and laws as old as the State itself, and while the Legislature is clothed with extensive powers with respect to the administration of local government, there are some things beyond its power. The Legislature cannot authorize or compel a city to give any of its money or property, or to loan its credit for any private purpose, nor to expend any of its money, directly or indirectly, for any other than city purposes. If the Legislature should by statute require a city to enter into contracts which directly or indirectly secure benefits to private individuals, or particular classes of citizens, and not for purely city purposes, the statute would be void as in conflict with the spirit, if not the letter, of the Constitution. All expenditures of money must be for city purposes and that alone, except so far as it is authorized to devote funds to the relief of the poor or to charity, which may be said to be a city purpose in the largest sense. A statute which tends to divert the money or property of the city, or that of the local property owners, from strictly city purposes and devotes it directly or indirectly to private interests, or to the interests of some class of persons as distinguished from the whole body, whether the transaction is made to assume the form of payments of wages or something else, is in conflict with the spirit and policy of these provisions of the Constitution. (*People ex rel. D. W. & P. R. R. Co. v. Batchellor*, 53 N. Y., 128; *People ex rel. Bolton v. Albertson*, 55 N. Y., 50.) The Legislature does not possess unrestricted power to bind a city hand and foot with respect to all its local business affairs. It cannot fix by statute the price which it must pay for materials or property that it may need, or the compensation that it must pay for labor or other services that it may be obliged to employ, at least when such regulations increase the cost beyond that which it would be obliged to pay in the ordinary course of business. If it could do all these things it could virtually dispose of all the rev-

venues of the city for such purposes as it thought best, and local self-government would be nothing but a sham and a delusion. The constitutional restrictions upon cities with respect to the expenditure of money are of no avail if the Legislature can by mandatory laws compel the officers or the governing body to frame contracts in the interest or for the benefit of individuals or classes.

The city is a corporation possessing all the powers of corporations generally and cannot be deprived of its property without its consent or due process of law any more than a private corporation can, and since its revenues must be used for municipal purposes, it is difficult to see how the Legislature can make contracts for it which involve the expenditure of these revenues without its consent. Counsel upon both sides of this controversy assert, and it seems to be undisputed, that there are now pending against the city in consequence of alleged violations of the statute in question claims aggregating over six million dollars, representing the difference in the amount actually paid by the city to its employees, and accepted by them under contracts voluntarily made, and what is assumed to be the prevailing rate of wages under the statute. If it be assumed that the statute requires the city to pay this vast sum in addition to what it paid under its contract with these employees, and which the latter freely accepted, it would be very difficult, if not impossible, to show that such payment is for a city purpose, and thus the municipality is compelled by the statute to violate the Constitution. This situation would seem to prove that either the statute or the Constitution must be disregarded. To the extent of the sum which the city pays under this statute in excess of that which it actually paid for the work under contracts fairly made in the ordinary course of business the provision of the Constitution limiting expenditures of money to city purposes is violated. These limitations upon the payment of money by cities apply as well to the power of the Legislature. What the city is by the Constitution forbidden to do, it is not competent for the Legislature to authorize or command, either directly or indirectly, and the vice of the statute in question is to be found in the fact that it provides or may provide for a gratuity to some one, or perhaps more properly to some class of citizens.

The city exists under its ancient charters as modified or enlarged by modern enactments for the purpose of local self-government. While the rights and powers so conferred upon the city are subject to change or modification by the supreme power of the State, they cannot be wholly destroyed. It is not true that the internal affairs of cities in this State are absolutely subject to the will of the Legislature. The Constitution recognizes their existence as political and corporate bodies and has imposed various restrictions upon the powers of the Legislature to interfere in matters of local government. It is without power to appoint city officers, though it may provide for their election by the local electors, or their appointment by some local authority. It cannot dispose of the property of the municipality, nor disburse its revenues, however acquired, for any purpose not pertaining to local administration or local government.

The recent amendment to the Constitution, which confers upon the mayor in the larger cities and the mayor and governing body in the others the right to interpose what may be called a qualified veto upon acts of the State Legislature relating to their local affairs, plainly implies that cities possess a certain kind of political autonomy which, however limited, the Legislature may not invade or destroy at pleasure. (1 Dillon on Munic. Corp. §§ 71-74.) It may regulate but cannot destroy powers recognized by the Constitution as inherent in the cities of the State. The plain purpose and effect of the law in question was to deprive the city and its contractors of the exercise of all judgment and discretion in the matter of wages to be paid to workmen employed upon all public works. Both the city and the contractor are deprived by the statute of all power to deal with that question, and, consequently, of all power to protect most vital interests in that regard by contract or otherwise. The right which is conceded to every private individual and every private corporation in the State to make their own contracts and their own bargains is denied to cities and to contractors for city work; and, moreover, if the latter attempt to assert such right the money earned on the contract is declared to be forfeited to the city without the intervention of any legal process or judicial decree. The exercise of such a power is inconsistent with the principles of civil liberty, the preservation and enforcement of which was the main purpose in view when the Constitution was enacted. If the Legislature has power to deprive cities and the contractors of the right to agree with their workmen upon rates of compensation, why has it not the same power with respect to all private persons and all private corporations? That question can be answered in the language which this court used when a case with features somewhat similar was under consideration:

"Such legislation may invade one class of rights to-day and another to-morrow, and if it can be sanctioned under the Constitution, while far removed in time we will not be far away in practical statesmanship from those ages when governmental prefects supervised the building of houses, the rearing of cattle, the sowing of seed and the reaping of grain, and governmental ordinances regulated the movements and labor of artisans, the rate of wages, the price of food, the diet and clothing of the people, and a large range of other affairs long since in all civilized lands regarded as outside of governmental functions." (In re Jacobs, 98 N. Y., 98.) It was once a political maxim that the government governs best which governs the least. It is possible that we have now outgrown it, but it was an idea that was always present to the minds of the men who framed the Constitution, and it is proper for courts to bear it in mind when expounding that instrument. The power to deprive master and servant of the right to agree upon the rate of wages which the latter was to receive is one of the things which can be regarded as impliedly prohibited by the fundamental law upon consideration of its whole scope and purpose as well as the restrictions and guaranties expressed. If the city is not permitted to enter into fair contracts with its employees for their services, on such terms as private individuals or private corporations may, it is disabled from performing the duties enjoined upon it by law or from obeying the restrictions of the Constitution. Even the ordinary employees in the civil service of the city are protected by the Constitution from the exercise of absolute power by the Legislature. Appointments and promotions in such service must be made with reference to merit and fitness to be ascertained when practicable by competitive examinations. The Legislature has no power to enact permissive or mandatory laws in conflict with that principle. These illustrations, and others which might be given, prove that the proposition that cities and their internal affairs are subjected to the absolute will of the Legislature, and that it has the power to command the municipality to do this or that as it may think best is very far from correct. There are many express limitations upon its power and must be others implied from the very nature of the right of local self-government conferred by the fundamental law. The Legislature cannot appoint an officer to make the contracts of a city, and what it cannot do through its own appointee it cannot do by direct action. In this case the Legislature made the contract for the city at least so far as it relates to the employment of workmen and their wages.

But the statute also invades private rights in various other directions. The local property owners, who are the parties that in the end must bear the expense of the improvement, are entitled to the benefit of the best judgment and discretion of the city officers in making the contract for the work. To the extent that such judgment and discretion is taken away by arbitrary enactments not in their interest, but in favor of opposing interests, their constitutional rights of liberty and property are invaded. When the expense of the improvement is enlarged beyond actual and reasonable cost, under ordinary business conditions, as it may be under the statute in question, their property is taken without due process of law. The contractor is a private individual engaged in private business. When he enters into a fair and honest contract for some municipal improvement, that contract is property entitled to the same protection as any other property. It is not competent for the Legislature to deprive him of the benefit of this contract by imposing burdensome conditions with respect to the means of performance or to regulate the rate of wages which he shall pay to his workmen, or to withhold the contract price when such conditions are not complied with in the judgment of the city. When he is not left free to select his own workmen upon such terms as he and they can fairly agree upon, he is deprived of that liberty of action and right to accumulate property embraced within the guaranties of the Constitution, since his right to the free use of all his faculties in the pursuit of an honest vocation is so far abridged. A statute which enables a city that has entered into a contract with him for the performance of some public work to receive and accept the fruits of his labor and at the same time refuse to pay for it upon the ground that he omitted to pay the prevailing rate of wages to his workmen, though he paid all they asked and all he agreed to pay, would seem to be an arbitrary interference with his liberty and property, and not within the legitimate sphere of legislation. It is not claimed that the statute has any relation to the public health, the public morals, the public safety, or any of the other objects within the scope of the police power, and it is a somewhat remarkable fact that the learned counsel, who has argued in support of this appeal and of this statute, has not attempted to state the purpose for which it was enacted, but leaves that point wholly to conjecture.

It is impossible to see how such legislation could promote the true interests of the city or that of the local taxpayer, and not difficult to see how in its actual operation it would tend to increase the cost of every local improvement. Indeed, it is conceded on all sides that such has been the effect of the law upon the expense of public improvements in the city of New York. The very ground upon which the city refused to pay was that the contractor did not pay enough for the labor performed. If the claims referred to, aggregating over \$6,000,000, must be paid, then it is plain that this law will cost the city that sum without any additional or corresponding benefit. The funds necessary to pay these claims would involve the expenditure of money for other than city purposes. It was supposed, no doubt, that the law would benefit wage earners, but it is not clear how it can if we consider that class of citizens as a body. A law that restricts freedom of contract on the part of both the master and servant cannot in the end operate to the benefit of either. The law forbids the contractor from paying a rate of wages other than what is called the prevailing rate although the laborer is willing to accept it. It calls for the payment, practically, on all occasions of the highest market price, and, hence, must compel the contractor to employ only such workmen as are competent to earn the very highest rate of compensation. It makes no allowance for the various degrees of efficiency and capacity that must always exist in so large a part of the community. A person less competent than his neighbor from whatever cause cannot be employed because a uniform rate must be paid without taking into account the varying conditions of life and the degrees of capacity. Such a law may indeed benefit for a time the favored few who possess the largest capacity to earn the largest wages, and in this view it may be said that it provides only for the survival of the fittest. But the effect of the law must be that all those who are too young or too old, or for any other reason less competent than their neighbors, must be deprived of all opportunity to secure employment on all public works in their respective callings, and so the tendency of such legislation is to check individual exertion and to suppress industrial freedom.

The contractor is not only deprived of the right to make such contracts with his workmen as would be mutually acceptable and beneficial, but he is required in selecting his employees to give preference to citizens of this State. Citizens of other States and resident aliens are thus subjected to harsh discrimination. The citizens of each State are entitled to all privileges and immunities of citizens in the several States under the Federal Constitution, and persons still unnaturalized are protected by the broad principles of international law. It is not necessary to inquire how far, if at all, the rights of citizens of other States seeking employment here, or those of aliens who have come here to improve their condition and to earn an honest living, are ignored or restricted by this statute. These questions have not been raised or argued, and we will only remark that it reverses the settled policy of this State from the earliest times. The policy of New York has always been to welcome not only the citizens of our sister States, but emigrants from abroad to equal participation in all the opportunities and advantages of its business and industrial life. If the policy indicated in the statutes now under consideration had been formulated and carried into operation half a century earlier, it may be that the growth and progress of the State would not be the subject of so much pride or as gratifying to all the people as it is now. These conclusions result from principles that have been often stated by this court when paternal legislation of the same character was under consideration. (In *re Jacobs*, 98 N. Y. 98; *People v. Marx*, 99 N. Y. 378; *People v. Gleason*, 109 N. Y. 339; *Colon v. Lisk*, 153 N. Y. 138; *People v. Hawkins*, 157 N. Y. 1; *People ex rel. Tyroler v. Warden*, etc., 157 N. Y. 116.) Numerous other cases might be cited from other jurisdictions that tend to support the views expressed. They are referred to and quoted in the briefs of counsel and it is unnecessary to comment upon them generally.

These cases, however, deal with a great variety of statutes in line with the one involved in the case at bar. They constitute a valuable contribution to the law with respect to the scope and limits of legislative power. In all of them statutes differing in no essential principle from that now under consideration were held void as in conflict with constitutional restrictions, express or implied. The prominent feature in the discussions is that the legislation is condemned as an infringement upon the right of employer and employee to enter into contracts in their own way, and in some of them it was said that such legislation was an insulting attempt to put the laborer under legislative tutelage which was not only degrading to his manhood, but subversive of his rights as a citizen. The statutes considered all profess to be for the purpose of securing to the wage earner his rights, but it was shown that they were really subversive of them. The following are a few of the laws thus considered and condemned, and it will be seen

that they were all in line with the enactment in question: An act forbidding employers from withholding wages from employees engaged in weaving for imperfections in the work. (*Com. v. Perry*, 165 Mass. 117.) An act to secure operators in coal mines and certain manufactories the payment of their wages at regular intervals and in lawful money. (*Godcharles v. Wigeman*, 113 Pa. St. 431; *State v. Goodwill*, 33 W. Va. 179; *State v. Fire Creek Co.*, Id. 188.) An act relating to the payment of wages to miners employed upon the basis of the quantity of coal mined. (*Ramsey v. People*, 142 Ill. 380.) An act to provide for payment of wages in money and prohibit the system of truck stores and to prevent deductions from wages except for money advanced. (*Frorer v. People*, 141 Ill. 171.) An act to provide for weekly payment of wages by corporations. (147 Ill. 66.) An act declaring it unlawful for persons engaged in mining to pay wages otherwise than in money. (*State v. Loomis*, 115 Mo. 307.) A city ordinance enacting that laborers should receive not less than \$1.50 per day, and that the day should not exceed eight hours. (*Bramly v. Norton*, 5 Ohio N. P. R. 183.) The case last cited is not distinguishable from the one at bar. Indeed, it involves the very question, and while it is not a decision of the highest court of the State, it is based upon the authority and the doctrines of the other cases cited and upon reasoning that seems to be unanswerable. The case at bar differs from these cases, cited from the highest courts of other States, only in the circumstance that here the Legislature has made use of municipal corporations to accomplish the purposes which were there condemned. But it must be obvious that what the Legislature cannot do directly it cannot do indirectly. It cannot make use of its powers over municipal corporations to subvert rights of liberty and property guaranteed by the Constitution.

The compulsory authority of the Legislature over municipal corporations in regard to matters of general concern and duties which the people of the several localities owe to the State at large is not questioned. Legislative control in matters political and governmental is complete. But while such corporations are made use of in State governments, and in that character subject to State control, they have other objects and purposes peculiarly local, in which the State at large, except in conferring the power and regulating its exercise, is legally no more concerned than it is in the individual and private concerns of its several citizens, and it is from the standpoint not of State interest but of local interest that the necessity of incorporating cities and villages most distinctly appears. With respect to property and contract rights of exclusively local concern, the State has no right to interfere and control by compulsory legislation the action of municipal corporations. The people of the State at large, through their representatives, have no more authority to dictate to a city the form in which its contracts shall be framed or the wages that it shall pay to laborers than they have to dictate to an individual what he shall eat, drink or wear. A municipal corporation, in matters affecting its property and its private contract rights, enjoys practically the same immunity from legislative interference for the benefit of private corporations or individuals as is accorded to business corporations and private citizens. (*Park Comrs. v. Detroit*, 23 Mich. 228; *Loan Assn. v. Topeka*, 87 U. S. [20 Wall.] 655; *People ex rel. D., W. & P. R. Co. v. Batchellor*, supra; *Weismar v. Village of Douglas*, 64 N. Y. 91; *Board of Education v. Blodgett*, 156 Ill. 441; *Matter of Greene*, 55 App. Div. 482.)

The case of *Clark v. State* (142 N. Y. 101), cited by the learned corporation counsel, is not in conflict with the views herein expressed. All that this case decided was that the State had power to declare by statute the compensation to be paid to its own employees in the absence of any agreement providing for a different rate. But the right to make contracts for the compensation to be paid, whether greater or less than the statutory rate, is expressly recognized and conceded throughout the opinion, and it is obvious that under the Constitution that right could not be abrogated, since the power to employ labor is conferred by that instrument upon the superintendent of public works. The power to employ implies the power to agree upon the compensation, and while the statute was applied to cases where no such agreement was made, it could not deprive the superintendent of the power conferred upon him by the Constitution. (*People v. Angle*, 109 N. Y. 564.) The statute which was under consideration in that case did not attempt to interfere with the right to make contracts.

In the brief time that we have been able to devote to an examination of this case, it would not be practicable to consider all the special features of the law and to determine the parts that are good and those that are objectionable. It will be sufficient for all purposes of this case to say that, in so far as the statute is invoked to shield the city from the obligation to pay the relator the money due to him, it is not a valid defense, for the reason that some of its most material provisions are in conflict with the Constitution.

1. Because in its actual operation it permits and requires the expenditure of the money of the city or that of the local property owner for other than city purposes.

2. Because it invades rights of liberty and property in that it denies to the city and the contractor the right to agree with their employees upon the measure of their compensation, and compels them in all cases to pay an arbitrary and uniform rate which is expressed in vague language, difficult to define or ascertain and subject to constant change from artificial causes.

3. Because it virtually confiscates all property rights of the contractor under his contract for breach of his engagement to obey the statute, and it attempts to make acts and omissions penal, which, in themselves, are innocent and harmless. It, in effect, imposes a penalty upon the exercise by the city or by the contractor of the right to agree with their employees upon the terms and conditions of the employment.

We have already seen that it is no answer to the relator's claim to be paid what is justly due to him to say that he has consented in the contract that it should be forfeited to the city in the event of a violation of the Labor Law. The question does not originate in any agreement voluntarily made but arises out of the statute, and the validity or invalidity of that enactment is the fundamental question. Neither the city nor the contractor had any interest in these stipulations. They are in the contract only by force of the mandate of the statute, and, unless the Legislature had power to frame the contract in that respect, their presence is of no consequence. The city could not maintain any action for damages for violation of these stipulations by the contractor, for the plain reason that it was impossible for it to sustain any damages under the circumstances. Those provisions are a part of the contract in form only, since they lack the one most essential element of every contract, namely, the consent of the parties. The obligations and legal effect of a promise or engagement imported into a contract by force of a statute, as in this case, whereby the contracting parties agree to obey or execute some law, depend entirely upon the validity of the law. Every person is bound to obey the law irrespective of any express agreement on his part to that effect, but he does not incur any liability or penalty for breach of an agreement to obey a void law. Such a promise or agreement cannot survive the statute upon which it is founded, but must fall with it, since it can have no independent existence arising from the consent of the parties or the meeting of minds. No one would claim that the terms of the contract precluded the relator from the recovery of what is due to him for the work but for the law which is behind it. The effect of this statute was to make the city a trustee or instrument for the enforcement of the law in the interest of the persons for whose benefit it was enacted, and thus the powers and functions of the municipality are employed for purposes foreign to those for which they were created and exist under the Constitution.

The order of the Appellate Division should be affirmed with costs.—166 N. Y., page 1.

The Stone-Dressing Law Unconstitutional.

Section 14 of the Labor Law (chapter 415, Laws of 1897) provides that "all stone used in State and municipal works, except paving blocks and crushed stone, shall be worked, dressed and carved within the State," and that the State or municipality shall revoke the contract of a contractor who violates the law.* The Court of Appeals, on March 8th, declared this law unconstitutional. With respect to the State Constitution the decision rests on the same grounds as the decision in the case of the prevailing rate of wages law, set forth in the preceding article.

The case was brought into the courts through the refusal of Comptroller Coler of New York city to pay money alleged to be

*The law was originally enacted in 1894 (chapter 277), was amended by chapter 413, Laws of 1896, and incorporated in chapter 32 of the general laws (the Labor Law) in 1897.

due to contractor Ralph J. Treat for work done. Upon the completion of the contract, the city officials had inspected and accepted the work, but before they had paid for same, protest was made to the Comptroller that the contract had been violated through the use of stone dressed in New Jersey. The Comptroller refused to pay the account and the contractor applied to the Supreme Court at Special Term for a writ of mandamus, which was refused. Appeal was then taken to the Appellate Division (December Term) which by a bare majority of one granted the application. Justice Hatch wrote the prevailing opinion, which was concurred in by Justices Ingraham and McLaughlin, the latter solely on account of the authority of the Rodgers case. Presiding Justice Van Brunt read a dissenting opinion, which was concurred in by Justice Morgan J. O'Brien. This decision did not pass upon the constitutionality of the statute, but held that the city was bound to pay the contractor after having accepted his work. The Comptroller had no authority to withhold the warrant for payment, the delivery of the warrant being a purely ministerial act.

Comptroller Coler appealed the case and on March 8, 1901, the Court of Appeals handed down a decision affirming the order of the lower court on the ground that the law itself is unconstitutional for the same reasons that the prevailing rate of wages law (Rodgers v. Coler) was held unconstitutional and for the additional reason that it violated the interstate commerce clause of the United States Constitution. Thus, Judge O'Brien, who read the prevailing opinion, said:

This case, presents a new and additional question which was not involved in the Rodgers case. It will be seen by the provisions of the statute that the city and the contractor have, in effect, been forbidden to purchase a granite sewer basin that had been dressed or carved in any other state. The city and the contractor are virtually prohibited from procuring such dressed or carved stone, as may be needed in the construction of the work or the performance of the contract in any other state. The citizen of another state who has prepared dressed or carved stone for the market is virtually prohibited from selling the same in this state to a municipality or contractor for use in any public work. The stone used in such work must be dressed or carved within the jurisdiction of this state, and if the contractor ignores the statute and procures dressed or carved stone in another state, the city is directed to revoke his contract, and thereupon it shall be discharged from all liability to pay him for the work.

We think that this statute is void, not only for the reasons stated in our decision in the case cited, but for the further reason that it is in conflict with the commerce clause of the Federal Constitution. It is a regulation of commerce between the States which the Legislature had no power to make. The citizens of other States have the right to resort to the markets of this State for the sale of their products, whether it be cut stone or any other article which is the subject of commerce. The citizens of this State have the right to enter the markets of every other State to sell their products, or to buy whatever they need, and all interference with the freedom of interstate commerce by State legislation is void. Under the Constitution of the United States, business or commercial transactions cannot be hampered or circumscribed by State boundary lines, and that is the effect of the statute in question. We do not think it necessary to enter into any argument to establish these propositions, since the ground has been covered by the discussion in two recent cases in this court. (*People v. Hawkins*, 157 N. Y. 1; *People v. Buffalo Fish Co.*, 164 N. Y. 193.)

All of the judges concurred except Chief Justice Parker, who read a dissenting opinion, urging the same reasons for dissent that he had in the *Rodgers* case. He held further that the New York law was not in contravention of the Federal Constitution:

If that section sought to prevent the citizens of this State from using stone cut and dressed in another State, it would unquestionably offend against the commerce clause of the Federal Constitution and be void. But the statute does not attempt to interfere with the liberty of any citizen to have such stone as he may use cut and dressed where and by whom he shall choose. On the contrary, the statute is but an attempt on the part of a sovereign State to exercise the same function of choice in such regard as the Constitution secures to the citizen. While the State cannot say to the citizen that he must have the stone used in his residence cut and dressed within the State, neither the Federal or State Constitution prevent him from deciding that he will not build a residence unless the stone to be used in it are cut and dressed within the State, nor from incorporating into a contract with a builder a provision that, unless every stone used in the structure be both cut and dressed within the State, the contract shall be void and the contractor deprived of compensation.

But the liberty of contract with which the citizen is endowed is no greater than that with which the State is invested when it enters on a scheme of construction for the public good. If, as respects freedom of contract, all the people of the State acting together are not greater than one of the units—a citizen—they are at least as great and may be as capricious as it is possible for an individual to be touching the style of architecture, quality of materials, character of workmen and rate of compensation that they will offer for work to be performed.

The Legislature in the statute authorizing the construction of any public work may provide for every detail if it chooses, or it may delegate the whole or some part of the details to an agent or agency. But whichever method it may adopt the choice of materials and of men and the determination whether the work shall be done by day's work or by con-

tract, are the choice and determination of the sovereign—the people—speaking through their chosen representative—the Legislature—upon which has been conferred every power and authority not expressly forbidden it by the Constitution, including, therefore, necessarily, the power to determine whether in a public structure brick or stone shall be used, and if the latter, from what quarries they shall be taken, where cut and dressed and by whom—and that is all that section 14 of the Labor Law seeks to accomplish.

It may not be wise for the Legislature to thus discriminate as to its public work in favor of its own citizens, but whether it be or not the courts have no right to inquire, for they are without authority to correct a statute even if in their judgment it be founded on an erroneous view of sound principles of political economy.

Scope of the Eight-Hour Law.

In the BULLETIN of September, 1900, note was made of the contest begun by the Albany labor organizations to enforce the Eight Hour Law upon the works of the Municipal Gas Company under its contract with the State for lighting the Capitol. Upon the refusal of the Superintendent of Public Buildings to audit the bill of the gas company, the company applied for a mandamus to compel the auditing of its bills and the same was granted by Judge Chester of the Supreme Court on July 18, 1900. The case was appealed, however, by Patrick J. Downey as the representative of the labor unions; and on January 9, 1901, a decision was rendered by the Appellate Division, Third Department, sustaining Judge Chester's interlocutory judgment.

The effect of the decision, which was unanimous,* is to restrict the provisions of the Eight Hour Law to "public work," which, according to the interpretation of the Court, means, virtually, construction work. Thus, Judge Kellogg's opinion reads:

When the State is engaged in public work and needs labor then it has plainly declared the limitation as to hours of labor, when the State requires the delivery of a manufactured article whether for the construction of public works or for consumption it purchases or contracts for the delivery wherever it can for the lowest price. So far it has kept a free hand, and does not inquire how many hours each day any man labored in the production of the article needed.

The so-called Labor Law, so far as it pertains to this case, reads as follows:

Each contract to which the State is a party which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer or mechanic in the employ of the contractor, sub-contractor or other person doing or contracting to do the whole or part of *the work contemplated by the contract*, shall be permitted or

*And therefore final, as it also affirmed the decision of the subordinate court.

required to work more than eight hours in any one calendar day. * * * The wages to be paid * * * upon all *such public work* or upon any material to be used upon or in connection therewith shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the State where such *public work* on, about or in connection with which such labor is performed in its final or completed form is to be situated, erected or used. Each such contract hereafter made shall contain a stipulation that each such laborer, workman or mechanic employed by such contractor, sub-contractor or other person on, about or upon *such public work* shall receive such wages herein provided for. Each contract for *such public work* hereafter made shall contain a provision that the same shall be void, etc.

The intent of the Legislature seems to be here manifest to treat only of public work and of contracts relating thereto as hereinbefore stated. The contract made by the Municipal Gas Company to supply and furnish a certain quantity of gas and a certain amount of electricity for daily consumption and for application as power and to furnish incandescent lamps and carbons and deliver all at the capitol building and the executive mansion, cannot, it seems to me, be construed as in any sense a contract for or one involving "labor" on, about or upon a "public work." It is more sensible to construe this as a contract of purchase. Common knowledge warrants the statement that both gas and electricity may be and is stored and is sold by measure for heating, for illuminating and for power. It is a marketable commodity within a reasonable radius of the place where manufactured or stored. Incandescent lamps and carbons are articles of common merchandise.

It is important to note, however, that the decision expressly concedes the right of the Legislature to say that no person shall work for the State for more than eight hours in any one day, whether employed directly or indirectly by the State. The Legislature may restrict contractors on work for the State as to hours of labor, and, say the Court,—

We may also concede that the State might go even farther and refuse to purchase any brick or stone, or cement, or ink, or paper, or tinware, or indeed any commodity whatever in the production or manufacture of which labor was employed for a longer time than eight hours, or a less number of hours per day. No one disputes that the exercise of such power is a right which a private individual enjoys. It is not however disputed, but conceded, that the State is powerless to limit the daily hours which one man may work for another, and the State has not the power to say that a laborer after he has wrought the number of hours permitted on public work may not during the same day work elsewhere for an unlimited time.

Public Officials May Not Require Contractors to Employ Union Labor on Public Work.

In April, 1900, the Albany county board of supervisors had to let a contract for the construction of an addition to the Albany hospital. For the roofing work two bids were made, one by James Gorman for \$1,000, and the other by James Ackroyd for

§724.48. Gorman agreed to comply with the terms of a resolution of the board to the effect that he would employ, when practicable, members of labor organizations; while Ackroyd refused to sign a contract containing such stipulation, but stated that he would observe all the labor laws of the State, and demanded that the work be let to him as the lowest bidder. This the committee of the board refused to do and was about to let the work to Gorman for \$1,000 when Samuel J. Davenport, a taxpayer, sought an injunction perpetually restraining the committee and board of supervisors from so doing. A temporary injunction was granted at the Albany Special Term of the Supreme Court and from this order the board appealed.

On January 9, 1901, the Appellate Division, Third Department, rendered a decision, which was unanimous, sustaining the injunction. Chief Justice Parker, in writing the opinion, said that it was a waste of the taxpayers' money to let the contract to Gorman, when Ackroyd, an equally responsible builder, offered to do the work 27 per cent cheaper. He characterized the act of the board of supervisors as an attempt "to deprive the 'non-union workman' of his opportunity to obtain employment in the city of Albany"—an "act so clearly against public policy and so violative of constitutional rights and of the first principles of our form of government that it should not be for a moment tolerated."

Judge Parker's opinion contains the following review of the facts:

The mechanics and workmen engaged in the several building trades specified in the advertisement for bids above mentioned had, sometime during the year 1899, organized into separate and distinct organizations for the purpose of advancing wages and establishing a shorter number of hours as a working day in their respective trades. On or about January 1, 1900, these separately organized trades joined together for concerted action, in what was known as the "Building Trades' Council of Albany, N. Y.," such council being composed of representatives from each of such trades organizations. On such day such council notified every contractor in the city of Albany that a demand for an increase of wages in each of the several trades would be made on the first day of May following; and also that all work must be performed by members of these respective trades organizations only. It also then notified such contractors that in case their demands were not acceded to by the first day of May, 1900, the members of such trades organizations would forthwith quit their employment, and that such demands must be acceded to as to each organization, or the members of all would so quit.

The defendants further claim that the organizations represented by such council composed about 90 per cent of all the workmen, laborers and mechanics, skilled and unskilled, in the city of Albany, employed in such building trades; and that it was generally conceded that no work of any magnitude in such trades could be carried on in such city unless such demands where acceded to. This claim, however, was denied on the part of the plaintiff.

The defendants further claimed that there was great need for the completion of said pavilion, and that, owing to the conditions above stated, they were persuaded that if an attempt was made to employ any mechanics upon any part of the work thereon who did not belong to such trades organizations, it would result in a strike by those who did, and thus delay the whole work and cause greater expense in the end to the county than would the acceptance of the larger bid; and that all the contractors on the whole work, other than Mr. Ackroyd, contracted not to employ any men other than those belonging to such organizations.

It also further appears that on December 19, 1899, the board of supervisors had adopted a resolution to the following effect:

"Resolved, That in the letting of all contracts in the county of Albany, where money from this county is appropriated, the work be let only to contractors resident in this county, and that all labor employed thereon shall be residents of Albany county and members of trades organizations, when practicable."

And Mr. Ackroyd, at the time of the opening of the bids, was notified by the committee that, although such resolution was not referred to in the advertisement for bids, they considered it as binding as if in the advertisement.

Does such explanation fairly justify the defendants in rejecting the lesser bid, and in requiring the clause in question to be inserted in whatever contract they should make for the work?

It cannot be doubted but that the threat made by the "Building Trades Council" to all the contractors of the city of Albany was an unlawful act. Its purpose and its effect was to prevent all mechanics, except those who belonged to such trades organizations, from obtaining employment in the city in their respective lines of work. It was an effort, not merely to benefit themselves by an increase of wages and the lessening of a day's labor, but to do so at the expense of all other workmen engaged in similar employments. A discussion of the principle which must control all similar organizations, and which marks the distinction between what is just and lawful in their purpose and methods, and that which is violative of the public good, and, therefore, illegal, is not necessary here. The principle laid down in the case of *Curran v. Galen* (152 N. Y. 33) is sufficient for this case, and stamps the action of the council as one which will not be tolerated by the law, nor be permitted by the courts.

The question then is presented whether public officers having in charge the letting and control of public work, to be done at the public expense, may aid and abet such an unlawful attempt on the part of a trades organization by refusing to let any public work to those contractors who will not accede to such an unlawful demand. Can it be held, upon any tolerable view of the case, that the public officers of a county may, in concert with any organization of any kind, lawfully engage in an attempt to force all

laborers in the county into such organization, or else into starvation for the want of employment?

And is such concert of action in the least justified by the plea that by so doing they will be more likely to get the public work done in less time, and possibly with less loss and expense? In my judgment, not only the action of the council, but also the action of the defendants in this case, in demanding that none but members of the organization be employed upon this work, was an act so clearly against public policy, and so violative of constitutional rights and of the first principles of our form of government, that it should not be for a moment tolerated, nor permitted to excuse or justify any act of theirs.

And it is to be noticed, in the case before us, that the resolution of the board of supervisors, above referred to, and which seems to have been controlling upon the committee when it rejected Mr. Ackroyd's bid, was passed on December 19, 1899, while the threat of the council and its demand upon the contractors was not made until January 1, 1900. Thus the board seems to have been in advance of the trades organization in its determination to deprive the "non-union workman" of his opportunity to obtain employment in the city of Albany. (*Davenport vs. Walker*, chairman of Albany county board of supervisors, 57 App. Div. 223-226.)

Restraint of Trade.

In some of the States, the courts have annulled contracts through which corporations have been combined into trusts, on the ground that such combinations were in restraint of trade, tended toward monopoly and were therefore illegal, and against public policy. In a recent New York case, decided by the Court of Appeals, it was held that a contract between a dealer in molding sand and a corporation, whereby the former agreed for a certain consideration to discontinue his business and to turn over to the corporation all orders which he then had or might thereafter receive for the commodity in question, cannot be regarded as in restraint of trade and therefore void as against public policy; its effect is to transfer to the corporation the good will or custom of the business which he had built up, and to cease to be its competitor to the extent described. [*Wood vs. Whitehead Brothers Co.*, 165 N. Y. 545.]

Employers' Liability.

[Cases decided by the Court of Appeals and by the Appellate Division of the Supreme Court, so far as latter are final.]

CONTRIBUTORY NEGLIGENCE.—William H. Cleary's appeal from the adverse judgment of the Supreme Court in his suit for damages against the Long Island Railroad Company was decided by

the Appellate Division, First Department, at the November Term. The following summary of the decision is given by the official reporter (54 App. Div., 284):

In an action to recover damages for personal injuries it appeared that the plaintiff was an experienced brakeman employed upon the defendant's railroad. There was evidence to the effect that on the occasion in question he was standing at the end of a stationary car waiting to couple it to a car which was moving slowly toward him; that the moving car held the link, and that just as he was about to insert the coupling pin in the drawhead of the stationary car he noticed that its drawhead was about four inches higher than the drawhead of the approaching car; that thinking he could effect the coupling with safety he placed his arm underneath the deadwoods of the moving car and lifted the link in order that it might enter the drawhead of the stationary car; in doing which he observed that the drawhead of the approaching car was loose and had a lateral movement of about a foot; that his fingers were caught between the under side of the link and the flange of the opening of the stationary car and his arm was drawn out and caught between the deadwoods and mutilated.

Evidence was also given that when there is a difference in the height of the drawheads the custom is to put the link in the higher drawhead.

Held, That the plaintiff's complaint was properly dismissed;

That the lateral movement of the drawhead on the moving car had, so far as appeared, no connection with the accident, which was caused by the plaintiff's attempt to raise the link after he had seen the danger and had an opportunity to avoid it; in doing which he was not free from contributory negligence.

That, as the plaintiff did not, at the trial, refer to, or rely upon, the statutes requiring the equipment of freight cars with automatic couplers, he could not invoke their aid for the first time upon an appeal from the judgment dismissing the complaint.

NEGLIGENCE—DUTY OF MASTER, ETC.—The case of *Eastland vs. Clarke*, decided by the Court of Appeals in January, 1901 (165 N. Y. Rep. 420) gave rise to several points, as shown below. The court reversed the judgment of the Appellate Division in favor of the Defendant and ordered a new trial.

1. One, not in the regular employment of the master, who has been referred by him to his butler for instructions, and who has been directed by the latter to place wood in a cellar in which he had been but once before, which contained a depressed opening, of the existence of which he was ignorant, of which he was not warned and into which he fell, is not guilty of contributory negligence as a matter of law, but it is a question for the jury whether he acted with ordinary care under the circumstances where the cellar was so dark that he could not readily have seen the opening if he could have seen it at all, and an armful of wood which he carried obstructed his view of his footsteps.

2. In the absence of knowledge on the part of such servant that the place to which he was directed was dangerous, he had the right to believe it to be reasonably safe and he does not assume the risk of falling into an unprotected opening therein.

2. The master cannot escape liability upon the ground that if the accident were the result of any negligence it was that of the butler in leaving the well uncovered, and, therefore, that of a co-servant for which he was not responsible, since the butler was the *alter ego* of the master whose duty it was to have notified the servant of the existence of the opening.

4. Where the evidence is conflicting, the question whether the cellar was a safe place to work in, is for the jury. (*Eastland vs. Clarke*, 28 App. Div. 621, reversed.)

NEGLIGENCE—ASSUMPTION OF RISK BY EMPLOYEE.—The case of *Murray vs. N. Y. C. & H. R. R. Co.* was decided adversely to the plaintiff.

In an action brought to recover damages resulting from the death of an engineer on the defendant's railroad, who, while leaning out of the side of his engine for the purpose of examining the machinery, was struck by a water plug standing about midway between the two main tracks, it appeared that the tracks were eight feet ten and a quarter inches apart and that the water plug, allowing for the swing of the engine, was within eighteen or nineteen inches of the side of the gangway of the engine.

The tracks at the place where the accident occurred might have been placed further apart, but there was no evidence that the water plug in question was not located in accordance with the best and most approved methods of railroading or that it was located in precisely the same place at which all other railroad companies placed similar appliances.

Held, That the defendant was not negligent.

Semble. That as it appeared that the deceased had passed this water plug almost daily for twenty years, and that the accident occurred in broad daylight, when the deceased had full opportunity to see the water plug the view of which was unobstructed, it might properly be held as a matter of law that he assumed the risk. (55 App. Div. 344.)

NEGLIGENCE.—In the case of an injury to an employee from the breaking of a dozy and rotten mast of a derrick, it was held that the ignorance of the master is not an excuse to him, and that there is no assumption of such risk by the employee, thus:

In an action brought to recover damages resulting from the death of the plaintiff's intestate while in the employ of the defendant, in consequence of the breaking and falling of a derrick, it appeared that the mast of the derrick was broken in three or four pieces; that the exterior was apparently sound, but that the interior was powder posted and dry rotted to such an extent that a knife blade could be driven into it to the handle; that the derrick had been in use three and one-half years and that the mast was made of spruce timber which had been painted when green,

such treatment having a tendency to shorten its life and make it dozy and rotten within.

The derrick had remained in the place of the accident about four months; at the time it was placed in position the defendant's superintendent, who apparently regarded the duty of inspection as incumbent upon him, made an examination of the mast, stabbing it with a knife from the bottom to the top, and cutting out shavings, but did not bore into it or take any measures to ascertain whether it was dry rotted in the interior. This was the last time the derrick was inspected.

Held, That it was error to nonsuit the plaintiff;

That the defendant's ignorance of the defective condition of the interior of the mast did not relieve it from liability if such condition could have been discovered by a proper inspection.

That the plaintiff's intestate, who was employed about the derrick, did not assume the risk of the accident, as it did not appear that he had any knowledge of the defective condition of the mast or that it was discoverable by ordinary observation, or that it was his duty to make that inspection which alone would reveal its defective condition. (*Jarvis vs. Northern New York Marble Co.*, 55 App. Div. 272.)

NEGLIGENCE IN THE USE OF AN ELEVATOR.—The Appellate Division, Second Department, at the November Term, rendered the following judgment:

In an action brought to recover damages for personal injuries, it appears that a building in process of construction for the defendants by independent contractors had almost reached completion; that the defendants, by their tenants, had taken possession of a portion of the building, and that two elevators, designated as No. 1 and No. 2, were operated under the control of the defendants' superintendent; that the plaintiff was a painter in the employ of an independent contractor, and that the defendants' engineer agreed with the plaintiff's foreman that the plaintiff should do some painting on the ninth floor of the elevator shaft; that it was arranged that the plaintiff should stand on a plank reaching from the floor entrance of the elevator on the ninth floor to the window sill in the space through which elevator No. 1 ran; that that elevator would not be operated, and that elevator No. 2 would be operated as little as possible; that one Cody, who was employed by the defendants to run the elevator, should shout a warning to the plaintiff before moving elevator No. 2, so that the plaintiff would have an opportunity to avoid being struck by the counterweight which was at the tenth floor when the elevator was at rest on the ground floor; that on the occasion of the accident, Cody, without any warning, or without a timely warning, to the plaintiff, started the elevator for the purpose of carrying some men who came to see the defendants' engineer and superintendent, and that the descending counterweight struck and injured the plaintiff,—it was held that a verdict in favor of the plaintiff should not be disturbed, that it could not be said, as matter of law, that it was negligence for the plaintiff to place some reliance upon the arrangement made with Cody, and to assume that he would be informed in some way before the menacing counterweight would

be set in motion; that evidence that Cody had never operated an elevator before might be considered in determining whether he was negligent on the occasion in question, although negligence could not be predicated upon that fact of itself. (*Bower vs. Cushman*, 55 App. Div. 45.)

DUTY OF OWNER OF A BUILDING TO INDEPENDENT CONTRACTOR.—An owner of a building owes to an employee of an independent contractor doing work upon the building the duty to commit no act of affirmative negligence. He is not liable for any passive negligence, such as a failure to provide the employee of the independent contractor with a safe place in which to work. (*Callan vs. Pugh*, 54 App. Div., 545.)

NEGLIGENCE—LIABILITY OF MASTER FOR INJURY RESULTING TO SERVANT FROM LATENT DEFECT IN APPLIANCE.—A master is not liable to a servant for an injury to the latter in consequence of a latent defect in an appliance, where the evidence shows that the material furnished by the master for the manufacture of the appliance, and out of which it was made, was proper; that there was nothing in its appearance to indicate inefficiency, and that it was made by competent and skilled workmen and was subjected to frequent and thorough inspection of such a character as to reveal any flaw or defect that could be discovered in that way. (*Smith vs. N. Y. C. & H. R. R. Co.*, 164 N. Y., 491.)

NEGLIGENCE—FALL OF SCAFFOLD—LABOR LAW CONSTRUED.—Where a scaffold provided by the master for a servant's use falls, and no other cause of the fall is ascertained except as inferred from the fall itself, the fall is *prima facie* evidence of the negligence of the master in an action by the servant to recover damages received in consequence thereof. Further, where the cause of the fall is otherwise ascertained, sections 18 and 19 of the Labor Law (Laws of 1897, chapter 415) enlarge the duty of the master, and extend it to responsibility for the safety of the scaffold itself, and thus far the want of care in the details of its construction. (*Stewart vs. Ferguson*, 164 N. Y., 553.)

NEGLIGENCE—FELLOW-SERVANT—RISK OF EMPLOYMENT.—In an action to recover damages for personal injuries, where it appears that the plaintiff had been in defendants' employment for several months and had been directed by their foreman to remove loose pieces of rock that should be found along a bank so as to render a continuance of blasting safe, and while engaged in so

doing, a large stone, which had been thrown on top of the bank by a previous blast in the prosecution of the general work and had rested there until the accident, and which defendants had directed the foreman to remove, fell and striking the plaintiff caused the injuries complained of, a recovery cannot be sustained, since they were the result of a risk which plaintiff assumed as an incident to the employment in which he was engaged, and if the result of any negligence it was that of the foreman, a fellow-servant, for which the defendants would not be responsible. The cases of *Perry vs. Rogers* (157 N. Y. 251), and *Capasso vs. Woolfolk* (163 N. Y. 472), followed. Where the evidence in such an action tends to show that the path where plaintiff stood was about two feet wide and safe except from objects falling from above, whether he was guilty of contributory negligence in not having a rope tied about him, as it was claimed he was directed to do by defendants' foreman, in order to prevent his falling, is a question for the jury where he denies that any such direction was given. (*Di Vito vs. Crage*, 35 App. Div. 155, reversed; *Di Vito vs. Crage*, 165, N. Y. 378.)

NEGLIGENCE—SAFETY OF WORKING PLACE, CONTRIBUTORY NEGLIGENCE AND ASSUMPTION OF RISK, WHEN QUESTIONS FOR THE JURY.—Where in an action for negligence it appears that a wide trench, thirty-one feet deep, had been excavated and thoroughly supported by timbers, one side of which for a distance of some twenty feet ran along a chimney stack foundation which was twenty feet deep; that the trench had been carried down at an angle, leaving a "batter wall" to support the stack, and, in order to support it more thoroughly, narrow cuts three or four feet wide were made, starting from the bottom of the trench, running at right angles through the wall and extending upwards to within about a foot of the foundation and three feet under it, which cuts were filled in with piers of masonry as soon as made; that the earth between the tops of the cuts and the bottom of the foundation was hardpan and had become insecure from the action of water; that neither the sides nor top of the cuts were shored up or supported in any way; that the plaintiff, an employee of the defendant, was ordered by them to go down into a cut made the night before in which to place one of the masonry piers under the foundation, and level off the bottom, and while so doing the

earth fell from the top and one side of the cut near the top and injured him; that he had never been in this particular place before and knew nothing about it; that the defendants were aware of the actual situation and all of the danger that attended the performance of work in the cuts after the earth above and upon the sides had been saturated with percolating water,—the questions whether the defendants had provided the plaintiff with a reasonably safe place in which to perform his work, whether the plaintiff was guilty of contributory negligence, and whether he assumed whatever danger there was in doing the work, are properly submitted to the jury.

In such an action the opinion of a competent expert, based upon the facts and a disclosure of the whole situation, that the method of constructing the cut for the purpose of underpinning or supporting the foundation of the sack was improper, and his opinion as to the proper method which should have been adopted so as to render it safe for persons working therein, are admissible in evidence upon the question as to whether the defendants had met situation with reasonable prudence and care. (*Finn vs. Cassidy*, 165 N. Y., 584.)

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EDITORIAL SUMMARY.

State of Employment. Among the labor organizations of New York State there was a somewhat larger number of unemployed members during the months of January, February and March, 1901, than in the corresponding quarters of the three preceding years. This was largely due to inactivity in the clothing trades of New York and the lake trades of Buffalo. The building trades carried far fewer idle members than in the spring season of the years 1897-1900, and the number of building permits issued by the large cities in the first quarter of 1901 was largely in excess of that for the corresponding period last year and the year previous. But while the number of unemployed unionists was, in the aggregate, as large as usual in the first three months of 1901, the number of days worked by the employed members of unions was larger than heretofore; the average number of days worked having been 58 in the first quarter of 1897, 62 in 1898, 64 in 1899, 66 in 1900 and 67 in 1901. As a result of the longer duration of employment in 1901, the quarterly earnings of organized workingmen were somewhat increased.

New Organizations. The number of new labor unions reporting to the Department in the first quarter of 1901 was 89. In the same period 25 unions were dissolved or amalgamated, leaving a net increase of 64 organizations for the quarter, and an aggregate of 1,743 organizations at the end of March. The gain in membership was 2,431, the aggregate having increased from

242,484 at the end of December to 244,915 at the end of March. The largest gains in membership in this quarter were made by the car builders and repairers of Buffalo and Rochester (1,700). Renewed declines in the membership of clothing and tobacco trades unions of New York City offset gains in other trades and left the metropolis with a net loss of over 400. But the membership in the remaining towns of the State increased by 2,900 and reached the largest aggregate it has thus far attained. The number of female members of labor unions suffered a further decline and at the end of March stood at 10,123.

Immigration. No perceptible increase occurred in the volume of immigration at the Port of New York in the first quarter of the present year as compared with 1900; the arrivals numbering 69,783 and 69,498 respectively. South-eastern Europe contributed a larger proportion of the immigrants than in 1900; Southern Italy having sent 18,496 persons or 27 per cent of the aggregate, the Slovaks taking second place with 7,657 or 11 per cent of the aggregate immigration and the Polish third place with 7,540. The most noteworthy fact brought to light by the immigration statistics is the turning of the stream of immigration away from the crowded centers of New York and New England, only 32.5 per cent of the immigrants avowing New York State as their destination, as compared with 36.8 per cent in the first quarter and 46 per cent in the third quarter of last year. It is probably unfortunate that the contingent passing by New York and New England does not wholly settle in the agricultural districts of the West, rather than going, as it does in large part, to the mining regions of Pennsylvania.

Trade Disputes. The most important event in the industrial history of the State this year was the strike of the Albany and Troy street railway employees, which lasted from May 7th to 18th. It is fully and carefully described in the BULLETIN. A second dispute of large import

to the public took place on the tunnel work of the new rapid transit system in New York City, involving 700 workmen and lasting from May 22d to June 4th. The two-year agreement which was signed on the latter date is reproduced in full in connection with an article descriptive of the strike. For the first time in about fifteen years an open rupture followed by stoppage of work has taken place in the work of bricklaying in New York City. This trade has furnished one of the most successful instances in American history of the usefulness of annual agreements between associations of employers and employees and a joint conference board for the arbitration of disputed questions. The dispute which began on April 3d was settled May 27th by the signing of a new annual agreement. Other disputes described in the BULLETIN are the general movement, in May, of the bricklayers, masons, plasterers and hod carriers of Yonkers in favor of the Saturday half-holiday and an advance in the hourly rate of wages sufficient to maintain weekly earnings at their former level; and the strike of 300 furnace workmen and 700 team drivers in Buffalo. Trade disputes still pending in Buffalo, Rochester, Jamestown, and other places will be described in subsequent issues of the BULLETIN.

Other Agreements. The BULLETIN also contains the text of the first written agreement between the bricklayers' union and mason builders' association of Albany; of a similar agreement in Kingston; and of a new agreement between the Hebrew-American compositors and employing printers of New York City, which provides for advances of from eight to twenty per cent in the scale of wages. These agreements were entered into without cessation of work.

The Eight-Hour Law. Considerable space is given to recent decisions of New York courts that involve the relations of capital and labor. The eight-hour and prevailing-rate-of-wages law still figures prominently in legal disputes, three decisions on that law having been handed down by the First Department of

the Appellate Division of the Supreme Court since the notable decision of the Court of Appeals in the case of *Rodgers vs. Coler*, which was published in the March BULLETIN. Mention was then made of the anomalous position in which the decision left the taxpayers of New York City: unless the contracts were invalidated, public contractors could compel the city to pay them for their work on the basis of the current rates of wages, while they might hire their workmen at whatever rates they chose. Upon suit brought by a taxpayer of the city the Appellate Division has held that the contract for the new East River bridge is invalidated by the insertion of the sections of the Labor Law providing for the preferential employment of citizens of New York, for the eight-hour day and for payment of the prevailing rate of wages. A dictum of the court would seem to hold that all of these provisions and not simply the one relating to the rate of wages are unconstitutional under the *Rodgers* decision, for the court says: "It must be conceded that so far as it compels the insertion in the contract of such provisions, it is unconstitutional because the Legislature has no power to prescribe them." In another case (*McNulty vs. the City of New York*), the court has sustained the right of employees of the street cleaning department to compensation for extra work performed by them in working more than eight hours a day between 1892 and 1894. This decision, however, is given under the eight-hour law of 1870, which applies to municipalities but not to public contractors.

Other Judicial Decisions. The action brought by a non-member of a Buffalo typographical union against the union to collect damages for his discharge at the union's solicitation was decided in his favor by the Supreme Court. That judgment has now been reversed by the Appellate Division, Fourth Department, whose decision thus sustains the right of members of a labor union to strike against the employment of a non-member. In modifying an injunction in a case of boycott, Justice Blanchard of New York eliminated an order restraining the union from publishing and distributing circulars and from "accosting the

plaintiff's employees or customers and the patrons of plaintiff's customers in a peaceable, orderly and decent manner." Other decisions summarized in the BULLETIN deal with employers' liability.

Labor Laws of 1901. The BULLETIN contains the text of eight acts of the Legislature of 1901 which particularly affect the interests of workingmen. Five of the acts are amendatory of the Labor Law—consolidating the Bureau of Labor Statistics, office of Factory Inspector and Board of Mediation and Arbitration into a single Department of Labor, subjecting public laundries to inspection by the State's officials and making three minor changes. The penal code was amended so as to require the Sunday closing of butcher shops. Provision was made for examining and licensing stationary firemen in New York City and for exempting stationary engineers from jury duty. A large number of bills affecting the relations of capital and labor was introduced at the recent session which failed to become law. Among these were several employers' liability bills and a bill providing for compulsory arbitration in industrial disputes on the model of the New Zealand law. The following bills were introduced at the instance of various workingmen's organizations or favored by their leaders: Providing for 20 cents an hour as the minimum wage rate on public work and permitting municipalities to execute their work by direct employment of labor instead of by contract; prohibiting use of motive power and machinery in State prisons and permitting school furniture to be purchased by public authorities from private manufacturers; providing for State printing plant and municipal printing plant in New York City; prohibiting issuance of injunctions against persons engaged in a strike or lockout; requiring street cars to be vestibuled in New York City and other places; providing for a State board for licensing barbers; requiring steam railroad companies to pay wages at least twice a month; two platoon firemen's bills for New York City and Buffalo; judgment debtor bills, etc.

Employers' Liability. Only two of these bills passed the Legislature and failed of executive approval. One was an employers' liability bill commonly known as the Costello bill, which Governor Odell vetoed on the ground that it afforded the employee "no new or substantial rights," while it amended the statute of limitations respecting the time in which all persons—employees and others—may bring an action to recover damages for personal injuries due to negligence. The Governor's veto is reprinted in the BULLETIN along with the vetoed bill, which may be contrasted with the new employers' liability law enacted by the Legislature of Colorado and with the new accident insurance law of Holland and workmen's compensation act of Sweden. The subject is one that promises to become as prominent in public discussion on this side of the water as it has in Europe.

Foreign Statistics. One of the social questions that has recently agitated Germany is the rapid increase in the employment of women. Between 1895 and 1899, the number of female factory operatives increased from 740,000 to 900,000, and in 1898 the German legislature made provision for a special investigation by the factory inspectors of the number of married women, the conditions under which they were employed and the effects thereof upon their health and character. This report, which has just been published, furnishes some interesting facts for a BULLETIN article. Another article quotes the recent statistics of the British Labor Department, which show that wages have been declining in England since the beginning of 1901. The principal industries thus far affected are iron and steel and mining, in which sliding scales based on prices determine wages. Prices having declined somewhat from the high level of 1900, wages now follow.

REVIEW OF RETURNS FROM LABOR ORGANIZATIONS FOR QUARTER ENDED MARCH 31, 1901.

I. Number and Membership.

The following table shows the progress of organized labor to the end of the first quarter of 1901:

TABLE 1.

DATE.	Organiza- tions.	MEMBERSHIP.			MEMBERS IN—	
		Men.	Women.	Total.	N. Y. City.	Other towns.
1897. March 31.....	927	138,249	4,321	142,570	.....	.....
1898. March 31.....	1,048	178,349	6,606	179,955	.....	.....
1899. March 31.....	1,156	166,005	7,511	173,516	122,993	50,523
1900. March 31.....	1,452	223,069	9,464	232,533	153,129	79,404
1900. June 30.....	1,602	236,770	10,782	247,552	153,337	94,215
1900. September 30.....	1,635	238,553	11,828	245,381	154,504	90,877
1900. December 31.....	1,679	232,080	10,404	242,484	150,278	92,206
1901. March 31.....	1,743	234,792	10,123	244,915	149,849	95,066

At the end of March, therefore, the number of labor organizations existing in New York was 1,743, and their membership aggregated 244,915. Compared with the preceding quarter, the number of unions had increased by 64, and the membership by 2,431. The gain in members, however, was not so large as the decline in the preceding quarter, and the membership is therefore still below that in September and June, 1900. This inferiority is due to the stationary number of members in New York City, since the remainder of the State made gains in membership and in fact reached the largest figures thus far attained—95,066, as compared with 94,215 at the end of June, 1900. In New York City the decline is a small one, amounting to but 400; but it follows upon a larger decline in the preceding quarter.

The following table shows both for New York City and the remainder of the State the growth or decline of unions in the principal groups of trades:

TABLE 2.
NUMBER AND MEMBERSHIP OF LABOR ORGANIZATIONS.

GROUPS OF TRADES.	ORGANIZATIONS.					MEMBERSHIP, MARCH 31.			
	Dec. 31.	Mar. 31.	In-crease.	Increase in		Men.	Women.	Total.	In-crease (+) or de-crease (-) in 3 months.
				New York City.	Other towns.				
Building, stone working, etc.	482	493	11	1	10	81,214	.....	81,214	1,496+
Clothing and textiles.....	128	135	7	1	6	19,154	5,859	25,013	2,570+
Metals, machinery, etc.....	292	302	10	2	8	32,129	15	32,144	10+
Transportation.....	211	229	18	2	16	32,451	5	32,456	2,613+
Printing, binding, etc.....	93	94	1	.....	1	16,880	777	17,657	361+
Tobacco.....	55	55	.....	.....	.....	7,549	2,472	10,021	707-
Food and liquors.....	109	112	3	a 1	4	9,885	.....	9,885	510+
Theaters and music.....	33	35	.....	a 2	a 1	3,328	492	3,820	23-
Wood working and furniture.....	65	65	.....	.....	.....	8,662	25	8,687	249-
Restaurants and retail trade.....	72	81	9	.....	9	5,933	461	6,394	231+
Public employment.....	59	61	2	.....	2	7,034	17	7,051	542+
Miscellaneous.....	80	85	5	1	4	4,573	.....	4,573	26+
Total.....	1,679	1,748	64	5	59	234,793	10,123	244,915	2,431+

GROUPS OF TRADES.	Sex.	NEW YORK CITY.			OTHER CITIES AND TOWNS.		
		Dec. 31, 1900.	Mar. 31, 1901.	In-crease or de-crease.	Dec. 31, 1900.	Mar. 31, 1901.	In-crease or de-crease.
I. Building, stone working, etc.....	M	58,919	59,730	811+	30,799	21,464	685+
II. Clothing and textiles.....	F	16,593	13,878	2,715-	5,126	5,276	150+
III. Metals, machinery, etc.....	M	2,413	2,648	235+	3,251	3,311	40-
IV. Transportation.....	M	14,304	15,308	1,004+	17,830	16,821	1,009-
V. Printing, binding, etc.....	F	.....	15	15+	.....	.....	.....
VI. Tobacco.....	F	10,529	10,287	242-	19,311	22,164	2,853+
VII. Food and liquors.....	F	.....	3	3+	.....	.....	.....
VIII. Theaters and music.....	M	13,591	13,869	298+	2,911	2,991	80+
IX. Wood working and furniture.....	F	519	512	7-	275	285	10-
X. Restaurants and retail trade.....	M	4,445	4,128	317-	3,336	3,431	35+
XI. Public employment.....	F	2,764	2,344	420-	143	128	5-
XII. Miscellaneous.....	M	4,723	5,311	588+	4,652	4,574	78-
Total.....	M	7,605	7,530	75-	1,744	1,798	54+
	F	461	460	4-	29	32	3+
	M	5,889	5,900	11+	3,022	2,762	260-
	F	.....	.....	.....	25	25	.....
	M	1,182	1,168	14-	4,478	4,765	287+
	F	218	228	13+	300	235	65-
	M	5,493	5,875	442+	1,066	1,159	93+
	F	.....	7	7+	.....	10	.....
	M	689	628	61-	3,853	3,945	92+
	F	.....	.....	.....	5	.....	5-
Total.....	M	143,902	143,632	270-	98,178	91,160	2,983+
	F	6,376	6,217	159-	4,028	3,906	122-
	M & F	150,278	149,849	429-	92,206	95,066	2,860+

a Decrease.

The net increase in unions in New York City was 5 and in the remainder of the State 59, but the actual number of new unions in New York City was 14, as 8 unions lapsed and 1 was amalgamated; and the number of new unions in the remainder of the State was 75, as 15 lapsed and 1 was amalgamated with another organization. The total number of new unions reporting to the Department was therefore 89, although the net increase was only 64.

With respect to membership, the most notable changes are in the clothing and textiles group, which lost 2,400 members, and the transportation group, which gained 2,600. The decline in the garment-making trades was in New York City and was there confined to the male membership, while the female membership increased slightly. Outside of the metropolis the change in membership in Group II was insignificant.

The increased membership in the trades connected with transportation is seen to be outside of New York; it was largely due in fact to the growth of unions of car builders and repairers in Buffalo and Rochester. In the preceding quarter these unions, with a membership of about 500, were classified among the wood working trades, and their transfer to transportation occasions a loss in Group IX. But to the 500 members of the preceding quarter have been added over 1,700 new members, thus accounting for the larger part of the increase in Group IV. A gain of 300 in the Buffalo seamen's unions may also be mentioned.

Group III, the metal and shipbuilding trades, shows a net gain of 10 in membership; but the second part of the table shows that a gain of 1,019 in New York City is nearly balanced by a loss of 1,009 in the interior centers. The loss is due to a falling off of 1,500 in membership of the marine firemen's union in Buffalo.

The tobacco trades unions in New York City suffered a decline of more than 700.

These were the principal changes in membership during the quarter. The other groups show both gains and losses, but on a comparatively small scale.

II. Unemployment.

At the end of March out of 228,327 members of labor organizations reporting, 42,244 or 18.5 per cent were idle at their trade. And of 237,093 reporting, 26,841 or 11.3 per cent were idle during the entire quarter (January, February and March). The proportion of unemployed members was about the same as in previous years, thus:

TABLE 3.
NUMBER AND PERCENTAGE OF MEMBERS OF LABOR UNIONS IDLE—
AT THE END OF MARCH. DURING FIRST QUARTER.

	Number.	Percentage.	Number.	Percentage.
1897.....	43,654	30.6	35,381	24.8
1898.....	37,857	31.0	18,102	10.1
1899.....	31,751	18.3	22,653	13.1
1900.....	44,336	20.0	22,895	10.1
1901.....	42,244	18.5	26,841	11.3

It will be seen that on the whole the conditions of employment in the first quarter of 1901 were not perceptibly better than in 1898, 1899 and 1900. Considering simply continuous idleness throughout the three months, 1901 would compare favorably with 1899; and considering only the end of the period, 1901 compares favorably with 1898 and 1900, but not with 1899. All four years make a notably better showing than 1897.

That the conditions of employment in the first quarter of 1901 appear no worse than in the corresponding period of 1899 and 1900 is principally due to activity in the building trades. Thus the following table shows that, as regards continuous idleness throughout the quarter, a large majority of the groups of trades have a larger percentage in 1901 than in either 1900 or 1899. With respect to idleness on the last day of the quarter, the comparison shows that one-half of the groups had larger and one-half smaller percentages in 1901 than in 1900 and 1899:

TABLE 4.
IDLENESS OF MEMBERS OF LABOR ORGANIZATIONS—

GROUPS OF TRADES.	AT END OF MARCH.				DURING FIRST QUARTER.			
	Number 1901.	Percentage.			Number 1901.	Percentage.		
		1901.	1900.	1899.		1901.	1900.	1899.
I. Building, stone working, etc.....	19,459	27.2	23.0	25.1	11,423	14.5	17.4	23.1
II. Clothing and textiles.....	5,324	21.5	21.1	8.0	2,350	9.0	5.4	3.3
III. Metals, machinery, etc.....	2,951	9.4	7.0	7.2	1,374	5.9	2.3	3.3
IV. Transportation.....	7,371	23.6	23.1	10.6	6,406	20.3	19.8	8.3
V. Printing, binding, etc.....	1,440	8.2	7.5	8.1	1,180	6.7	5.5	5.6
VI. Tobacco.....	1,294	13.0	12.3	13.2	677	6.8	2.5	9.4
VII. Food and liquors.....	1,393	13.2	10.3	9.4	1,017	10.4	6.3	5.8
VIII. Theaters and music.....	584	9.5	8.2	14.9	271	4.2	3.4	3.4
IX. Wood working and furniture.....	1,151	13.3	11.3	14.1	786	9.1	1.7	8.5
X. Restaurants and retail trade.....	592	9.6	7.0	15.3	331	5.3	5.0	8.6
XI. Public employment.....	113	1.6	1.9	11.0	38	0.5	1.5	11.0
XII. Miscellaneous.....	762	17.9	6.2	2.6	586	13.5	2.1	2.0
Total.....	42,244	18.5	20.0	18.3	26,841	11.3	10.1	13.1

It must be remembered that the absolute amount of idleness is much smaller than that indicated in these tables for the reason that secretaries of labor unions cannot as a rule know when some of their members who have no work at their trade may be employed in some other trade.

The causes of idleness at the end of the quarter were as follows:

TABLE 5.
CAUSES OF IDLENESS AT THE END OF MARCH—

CAUSE.	NEW YORK CITY.		INTERIOR TOWNS.		NEW YORK STATE.		Percentage.
	1901.	1900.	1901.	1900.	Number.	Percentage.	
Lack of work.....	28,980	11,086	7,058	7,308	30,988	18,294	74.1. 41.8
Weather.....	339	15,891	6,206	4,976	6,545	20,367	15.7 46.0
Trade disputes.....	339	1,220	537	801	866	2,021	2.1 4.5
Lack of material.....	122	.....	155	.....	277	.....	.7
Sickness.....	1,181	1,078	668	545	1,849	1,623	4.5 3.7
Superannuation.....	519	597	93	41	612	636	1.5 1.4
Other causes.....	97	1,064	478	301	875	1,355	1.4 3.1
Total.....	26,517	30,426	15,195	13,872	41,712	44,298	100 100
Cause not reported.....	312	7	220	31	532	88	..... .....
Total idle.....	26,829	30,433	15,415	13,903	42,244	44,386	..... .....

In 1900 the number idle on account of lack of material was included in the general class of "other causes" and cannot therefore be compared with the number in 1901. But the striking difference between the two years is found in the numbers idle on account of climatic conditions. In 1900, 46 per cent of all the idleness was due to unfavorable weather, but in 1901 only 15.7 per cent was thus accounted for. It seems likely that many organizations, particularly in the building trades, returned "bad weather" as the cause of idleness in 1900 and "lack of work" in 1901, for the two causes combined account for nearly the same proportion of idleness in each year.

This year practically all the idleness reported as due to unfavorable weather was that in the lake trades at Buffalo (marine engineers and firemen, grain shovelers, etc.), thus:

TABLE 6.
CAUSES OF IDLENESS AT THE END OF MARCH, 1901.

GROUPS OF TRADES.	NUMBER OF MEMBERS OF LABOR ORGANIZATIONS IDLE BECAUSE OF—							Total number re- ported	Cause not re- ported
	Lack of work	W'th'r	Strike or lock- out.	Lack of mater- ial.	Sick- ness.	Super- annu- ation.	Other causes		
I. Building, stone working etc..	17,836	508	197	213	405	126	127	19,412	47
II. Clothing and textiles.....	4,417	.....	32	2	417	219	183	5,270	54
III. Metals, machinery, etc.....	1,489	1,064	69	26	201	41	27	2,917	44
IV. Transportation.....	1,508	4,973	30	3	369	49	97	7,029	242
V. Printing, binding, etc.....	1,053	.....	16	4	153	129	35	1,390	50
VI. Tobacco.....	1,064	.....	.....	27	180	29	29	1,279	15
VII. Food and liquors.....	786	.....	451	2	33	1	2	1,275	18
VIII. Theaters and music.....	830	.....	12	.....	44	.....	.....	839	68
IX. Wood working and furniture	1,024	.....	59	.....	.....	18	6	1,151	.....
X. Restaurants and retail trade.	564	.....	.....	.....	30	.....	5	589	8
XI. Public employment.....	82	.....	.....	.....	49	.....	32	113	.....
XII. Miscellaneous.....	695	.....	.....	.....	28	.....	39	755	7
Total.....	30,988	6,545	866	277	1,849	612	575	41,712	533

III. Amount of Employment.

Having indicated the number of members of labor unions who had no employment at all in the first quarter of 1901, we may now consider the number of those who did have employment in their trade and the number of days of employment. This is shown for each industry in Table III at the end of the BULLETIN and in the following summary table for the aggregate of all trades:

TABLE 7.
NUMBER OF DAYS WORKED IN FIRST QUARTER, 1901.

GRADES.	NUMBER.			PERCENTAGE.			Percentage in first quarter 1900.
	Men.	Women.	Total.	Men.	Women.	Total.	
1—9 days.....	787	2	789	0.4	0.0+	0.3	0.4
10—19 days.....	4,011	13	4,023	2.1	0.1	1.9	0.8
20—29 days.....	4,976	490	5,466	2.5	5.2	2.6	3.4
30—39 days.....	13,236	678	13,914	6.6	7.4	6.7	11.1
40—49 days.....	9,437	997	10,434	4.7	10.7	5.0	5.6
50—59 days.....	20,317	407	20,724	10.1	4.4	9.9	7.8
60—69 days.....	22,919	1,361	24,470	11.5	16.7	11.7	11.8
70—79 days.....	100,188	5,005	105,193	50.3	53.9	50.4	47.6
80—89 days.....	7,235	13	7,238	3.6	0.1	3.5	3.0
90+ days.....	16,518	135	16,653	8.3	1.5	9.0	8.5
	<u>199,564</u>	<u>9,280</u>	<u>208,844</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>

The number of working days in the quarter, excluding Sundays and New Year's Day, having been 76, it appears that 61.9 per cent of all members of labor unions worked full time, or over-time, the corresponding percentage in 1900 having been 59.1. For purposes of comparison with earlier years the average number of days worked is calculated, thus:

TABLE 8.
AVERAGE NUMBER OF DAYS WORKED BY UNIONISTS WHO HAD EMPLOYMENT IN THE FIRST QUARTER OF EACH YEAR—

	Men.	Women.
1897.....	68	63
1898.....	63	61
1899.....	64	68
1900.....	66	66
1901.....	67	63

While the women had fewer days of employment than in 1899 and 1900, the men, who constitute 95 per cent of the membership, had a higher average than in any of the four years preceding, the table displaying indeed a regular increase in each year. The improvement was largely due to more employment in the build-

ing, transport and printing trades, a large decline in the number of days of employment having taken place in clothing and textiles (Group II) and a smaller one in the metal trades (Group III), which are the other important groups, thus:

TABLE 9.

AVERAGE NUMBER OF DAYS EMPLOYED (MEN ONLY) IN THE FIRST QUARTER OF 1900 AND 1901.

	Number employed.	AVERAGE NUMBER OF DAYS WORKED.			
				New York City.	Interior towns.
		1901.	1900.	1901.	1901.
I. Building, stone working, etc.....	67,869	55	54	54	58
II. Clothing and textiles....	17,348	58	63	55	66
III. Metals, machinery, etc.....	29,770	73	74	76	71
IV. Transportation.....	24,806	78	75	74	81
V. Printing, binding, etc.....	15,595	70	67	69	71
VI. Tobacco.....	6,992	71	71	71	71
VII. Food and liquors.....	8,785	75	76	74	76
VIII. Theaters and music.....	4,597	73	65	73	77
IX. Wood working and furniture.....	7,835	70	67	70	71
X. Restaurants and retail trade.....	5,246	77	72	69	77
XI. Public employment.....	6,964	82	85	81	86
XII. Miscellaneous.....	3,757	73	72	71	73
Total—Men.....	199,564	67	66	64	70
Total—Women.....	9,280	63	65	61	66

The table also shows an increased amount of employment in the theatrical and wood working trades, and in restaurants and retail trade.

As far as the female members of unions are concerned the decreased amount of employment in 1901 is occasioned by the state of the tobacco trades. Last year 2,300 women in those trades averaged 69 days of work in the first quarter; this year approximately the same number averaged only 60 days. The male workers in the tobacco trades, on the other hand, averaged 71 days in each quarter.

IV. Earnings.

Table IV in the closing pages of the BULLETIN exhibits the earnings of members of labor organizations during the first quarter of 1901. As usual the men occupy the higher grades and the women the lower grades. New York City workingmen also rank higher, in the earnings table, than do the outside members. The percentage of members falling in each class or grade of quarterly earnings appears in

TABLE 10.
MEMBERS OF LABOR ORGANIZATIONS GRADED ACCORDING TO THE AMOUNT OF QUARTERLY EARNINGS—
FIRST QUARTER, 1901—PERCENTAGES.

DOLLARS.	MEN.				WOMEN.			
	New York City.	Interior towns.	The State.		New York City.	Interior towns.	The State.	
			1901.	1900.			1901.	1900.
1-24.....	0.7	1.1	0.8	0.4	5.0	4.9	4.9	1.2
25-49.....	1.0	2.3	1.5	1.3	11.6	15.6	13.2	14.8
50-74.....	4.3	4.0	4.2	4.4	10.9	24.7	16.5	22.7
75-99.....	5.3	6.7	5.9	8.4	29.1	28.6	28.9	23.2
100-124.....	6.2	12.1	8.5	10.4	25.4	22.2	24.1	14.4
125-149.....	11.8	13.0	12.2	10.3	1.3	2.8	1.9	10.8
150-174.....	12.4	23.1	16.5	17.6	6.8	0.6	4.8	6.3
175-199.....	18.3	19.3	15.6	18.4	0.8	0.4	0.6	1.3
200-224.....	10.8	6.1	9.0	5.9	0.1	0.1	0.1	0.1
225-249.....	11.7	5.5	9.3	8.2	1.6	0.1	1.0	0.1
250-274.....	7.9	2.8	5.9	7.8	0.1	.....	0.0+	0.0+
275-299.....	6.0	0.9	4.1	2.2	0.0+	.....	0.0+	0.0+
300+.....	8.6	3.1	6.5	4.7	7.3	.....	4.4	4.6
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

As compared with 1899 and 1900, the earnings in the first quarter of 1901 were larger, thus:

TABLE 11.
DISTRIBUTION OF EACH 100 MALE MEMBERS OF LABOR UNIONS ACCORDING TO AMOUNT EARNED IN THE FIRST QUARTER OF—

Grades.	1899.	1900.	1901.
Less than \$75	5.7	6.1	6.5
\$75-\$149	26.7	29.1	26.6
\$150-\$225	45.4	41.9	41.1
Over \$225	20.2	22.9	25.8
	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>

The proportion of workingmen who earned less than \$150 in the quarter has decreased each year and the proportion that earned over \$225 (approximately three dollars a day) has increased.

The earnings of unionists depend principally upon the amount of employment. And as it was shown in table 8 that the average number of days worked in the quarter by those unionists who had employment was 67 in 1901, as compared with 66 in 1900 and 64 in 1899, the increased earnings in 1901 appear as a natural consequence.

Table 12 brings into comparison the average earnings of unionists in the principal trades in the first quarters of 1900 and 1901.

TABLE 12.

AVERAGE EARNINGS OF UNIONISTS DURING FIRST QUARTER 1900 AND 1901.

TRADES.	QUARTER ENDED MARCH 31—				Increase (+) or decrease (—) in earnings.
	1900.		1901.		
	Number employed.	Average earnings.	Number employed.	Average earnings.	
MEN.					
I. Building, Stone Working, Etc.:					
Stone working	3,011	\$175 09	4,042	\$317 26	\$42 17+
Brick and cement making	531	77 30	598	49 09	28 21—
Building and paving trades	44,844	178 15	49,783	185 36	7 21+
Building and street labor	12,567	142 20	13,466	123 72	18 48—
II. Clothing and Textiles:					
Garments	19,691	136 81	11,909	120 12	16 19—
Hats, caps and furs	1,544	141 89	1,416	139 35	2 54—
Boots, shoes, gloves, etc.	1,768	158 02	1,735	138 84	14 18—
Shirts, collars, cuffs and laundry	839	215 12	1,387	166 66	48 46—
Textiles	882	124 08	901	119 88	4 15—
III. Metals, Machinery and Shipbuilding:					
Iron and steel	19,322	176 01	18,830	182 52	6 51+
Metals other than iron and steel	2,955	203 55	2,307	209 00	5 45+
Engineers and firemen	6,465	213 74	7,062	237 14	23 40+
Shipbuilding	1,332	204 25	1,571	212 13	7 88+
IV. Transportation:					
Railroads	11,741	216 18	15,496	206 78	9 40—
Street railways	3,304	127 29	3,467	152 19	24 90+
Coach drivers, etc.	1,437	149 98	1,030	151 87	1 59+
Seamen, pilots, etc.	200	800 00	400	800 00	.....
Freight handlers, truckmen, etc	4,199	116 10	4,502	140 15	24 06+
V. Printing, Binding, Etc.	14,936	210 46	15,595	225 34	15 48+
VI. Tobacco	6,867	132 04	6,992	135 67	3 63+
VII. Food and Liquors:					
Food preparation	3,735	148 98	4,641	156 12	7 14+
Malt liquors and mineral water	4,245	185 76	4,144	183 62	1 94—
VIII. Theaters and Music:	5,922	321 07	5,709	338 63	17 56+
IX. Wood Working and Furniture...	8,073	165 86	7,806	179 74	13 88+
X. Restaurants and Retail Trade:					
Hotels and restaurants	3,102	141 82	2,524	134 26	1 57—
Retail trade	6,262	208 52	2,197	146 05	53—
XI. Public Employment			6,964	202 99	
XII. Miscellaneous:					
Glass	851	254 05	685	\$80 58	76 51+
Barbering	1,124	133 37	1,428	138 40	4 97—
Other distinct trades	963	142 43	1,059	151 92	9 49+
Mixed employment	446	100 22	585	94 46	5 76—
WOMEN.					
II. Clothing and Textiles:					
Garments	4,258	66 99	4,127	74 91	8 92+
Hats, caps and furs	86	52 00	92	95 88	43 88+
Boots, shoes, gloves, etc.	63	35 02	261	72 74	37 72+
Shirts, collars, cuffs and laundry	174	117 81	255	87 61	30 20—
Textiles	664	105 82	652	83 44	22 38—
IV. Transportation:					
Railroads	6	120 00	5	120 00	.....
V. Printing, Binding, Etc.	497	105 84	700	91 47	14 87—
VI. Tobacco	2,324	118 09	2,246	103 71	14 38—
VIII. Theaters and Music	441	492 90	461	466 91	26 99—
IX. Wood Working and Furniture...	19	49 53	26	41 06	8 47—
X. Restaurants and Retail Trade:					
Hotels and restaurants			75	78 00	5 86—
Retail trade	315	92 69	375	88 60	
XI. Public Employment			17	152 56	

An increase or decrease in earnings will usually be found to accompany an increase or decrease in the amount of employment (Table 9). Thus, in Group II the number of days worked by male unionists in the first quarter of 1901 was 58 as compared with 63 in 1900; the earnings declined \$16 in garment making, the principal trade in Group II. On the other hand, the metal trades (Group III) have larger earnings with fewer days of employment, indicating an advance in the rate of wages. Most of the other groups of trades show increased earnings, the largest increase being among the glass workers. The largest decline is among the makers of linen wearing apparel (Group II) and is largely due to the organization of new unions among the less well-paid workers of the trade.

With respect to women, their earnings increased slightly in the most important group, clothing, and declined in all the remaining groups, including cigar making and printing.

STATISTICS OF BUILDING OPERATIONS.

I. New York City.

Important changes in the methods of constructing buildings are provided in the tenement-house law passed at the recent session of the Legislature, and the rush of builders to file plans before the act became effective caused a large increase in the number and estimated cost of enterprises for the first quarter of 1901. For new and remodeled buildings there was a gain of 17 per cent in the number and 108 per cent in the cost over those projected in the corresponding period of 1900. There was an increase of 12 per cent in the number completed. Although there was a falling off of 19 per cent in the number of altered buildings commenced, an increase of 22 per cent was noted in new structures started. The totals for the two quarters were: 1900—2,816 buildings; cost, \$18,273,890; commenced, 2,602; completed, 2,041. 1901—3,283 buildings; cost, \$38,029,085; commenced, 2,590; completed, 2,286.

COMPARATIVE STATEMENT OF THE NUMBER OF NEW AND REMODELED BUILDINGS FOR WHICH PLANS WERE APPROVED, THEIR ESTIMATED COST, AND THE NUMBER COMMENCED AND COMPLETED, DURING JANUARY, FEBRUARY AND MARCH, 1900 AND 1901.

MONTHS.	NUMBER OF BUILDINGS.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS—			
	1900.	1901.	1900.	1901.	Commenced.		Completed.	
					1900.	1901.	1900.	1901.
<i>I. New Buildings.</i>								
January	359	494	\$4,320,765	\$6,902,567	389	397	382	551
February	355	547	4,234,232	13,540,890	303	355	377	236
March	446	843	7,487,817	15,487,228	459	672	407	426
Total	1,163	1,884	\$16,042,814	\$35,930,685	1,166	1,424	1,166	1,213
<i>II. Alterations.</i>								
January	394	345	\$681,006	\$490,772	365	314	260	511
February	439	394	511,434	621,852	402	313	234	192
March	770	670	1,038,636	985,776	669	539	381	371
Total	1,653	1,399	\$2,281,076	\$2,098,400	1,436	1,166	875	1,074
<i>III. Total of New Buildings and Alterations.</i>								
January	753	839	\$5,001,771	\$7,393,339	754	711	642	1,062
February	847	931	4,745,666	14,162,742	710	668	611	428
March	1,216	1,513	8,526,453	16,473,004	1,138	1,211	788	796
Total	2,816	3,283	\$18,273,890	\$38,029,085	2,602	2,590	2,041	2,286

II. Buffalo, Rochester and Syracuse.

Buffalo.—The statistics of the Buffalo Bureau of Building, furnished by Frank T. Reynolds, superintendent, show a notable increase in the extent of projected building operations in that city in the first three months of 1901 as compared with the corresponding period of the years immediately preceding. And each of the three months of 1901 exhibits an increase over the preceding month, thus:

	NUMBER OF PERMITS.			ESTIMATED COST OF BUILDINGS.		
	1899.	1900.	1901.	1899.	1900.	1901.
<i>New buildings:</i>						
January.....	41	35	58	\$75,710	\$327,990	\$121,712
February.....	63	43	40	125,441	166,620	271,910
March.....	65	37	84	118,347	90,920	842,173
Total.....	169	115	182	\$319,498	\$585,530	\$735,795
<i>Remodeled buildings:</i>						
January.....	22	25	31	\$13,443	\$36,846	\$75,311
February.....	34	37	34	33,295	24,595	187,146
March.....	64	42	47	65,144	47,902	138,618
Total.....	120	104	112	\$111,882	\$109,343	\$300,975
<i>New and remodeled buildings:</i>						
January.....	63	60	89	\$89,153	\$361,536	\$196,923
February.....	97	80	74	158,736	191,215	409,056
March.....	129	79	131	183,491	138,822	480,791
Total.....	289	219	294	\$431,380	\$691,573	\$1,086,770

Rochester.—In Rochester also the first quarter-year in the new century shows a considerable increase in the number and estimated cost of projected buildings as compared with the corresponding period in preceding years. The estimated cost of new buildings authorized only slightly exceeds the figures for 1900, but there is a large increase in the cost of remodeled buildings authorized.

CITY OF ROCHESTER—JANUARY, FEBRUARY AND MARCH.

	NUMBER OF PERMITS.			ESTIMATED COST.		
	1899.	1900.	1901.	1899.	1900.	1901.
New buildings....	66	31	94	\$135,035	\$204,550	\$211,255
Remodeled.....	31	29	52	43,165	16,425	52,904
Total.....	97	110	146	\$178,200	\$220,975	\$264,159

Syracuse.—The building permits issued by Fire Marshal Pellenz in January, February and March of 1901, while fewer in number than in the first quarter of 1900, call for the expenditure of a somewhat larger amount of money. But when com-

parison is made with 1899 the figures for this year do not appear so large.

SYRACUSE—JANUARY, FEBRUARY AND MARCH.

	NEW BUILDINGS.		ADDITIONS AND ALTERATIONS.		TOTAL.	
January	20	\$67,050	18	\$6,470	38	\$73,520
February	20	49,236	13	11,400	33	60,636
March	26	90,472	23	10,140	49	100,612
Total 1901	66	\$206,757	54	\$28,010	120	\$234,767
" 1900	94	182,747	46	34,964	140	217,711
" 1899 .....	.....	287,000	.....	23,707	.....	310,707

IMMIGRATION AT THE PORT OF NEW YORK.

There was an increase of only four-tenths of one per cent in the volume of immigration for the first quarter of 1901 over the corresponding months of 1900, the arrivals in the two periods numbering, respectively, 69,783 and 69,498.

As to the various races that passed through the metropolitan port this year, the Southern Italians were far in the lead numerically, 18,496, or 27 per cent, of that element having landed from the beginning of January to the end of March. The Slovaks were second in point of numbers, recording 11 per cent, or 7,657, of the aggregate. Taking into account the races whose arrivals were above 1,500, and comparing the figures with those for the same term of months in the preceding year, the Ruthenians (Russniak) show the greatest proportionate increase—126 per cent. Other elements which also gained over last year were: Croatsians and Slovenians, 89 per cent; Northern Italians, 45 per cent; Southern Italians, 17 per cent; Germans, 12 per cent; Slovaks, 3 per cent; Magyars, 1 per cent. The most marked decrease was among the Irish people, 53 per cent; while a decline of 40 per cent was reported for the Lithuanian race, 38 per cent for the Hebrews, 8 per cent for the Scandinavians, and 6 per cent for the Poles.

This year the proportion of male immigrants who entered the country at New York during the first three months was 78 per cent, against 74 per cent in the similar quarter of 1900, while the percentages of female arrivals were 22 and 26, respectively. Of the principal races the most pronounced disparity in the proportion of sexes in this year's importations was among the Croatsians and Slovenians, 88 per cent of whom were males and 12 per cent were females. The smallest difference was reported for the Hebrews—57 per cent males and 43 per cent females.

With reference to the ages of those who debarked in January, February and March, this year, it is shown by the statistics that 87 per cent were between 14 and 45 years, only 5 per cent were 45 years and over, and but 8 per cent were children under 14 years.

COMPARATIVE STATEMENT, BY RACES, SEXES AND AGES, OF THE VOLUME OF IMMIGRATION AT THE PORT OF NEW YORK FOR THE QUARTERS ENDING MARCH 31, 1900 AND 1901.

	QUARTER ENDING MARCH 31, 1900.						QUARTER ENDING MARCH 31, 1901.					
	SEX.			AGE.			SEX.			AGE.		
	Male.	Female.	Total.	Under 14 years.	14 to 45.	45 and over.	Male.	Female.	Total.	Under 14 years.	14 to 45.	45 and over.
African (black).....	108	11	119	9	121	2	107	66	173	11	110	1
Bosnian.....	147	98	245	38	190	17	146	138	284	47	243	2
Bulgarian and Montenegrin.....	20	2	22		22		90	4	94	4	88	
Bulgarian, Serbian, and Montenegrin.....	1,771	273	2,044	63	1,874	106	8,888	490	9,378	126	8,570	17
Croatian and Slovenian.....	1,121	3	1,124	2	1,119		9	9	18	3	64	
Dalmatian, Bosnian, and Herzegovinian.....	490	207	697	153	426	48	510	210	720	142	557	4
Dutch and Flemish.....	599	203	802	90	644	68	518	145	663	64	653	4
English.....	747	382	1,089	90	699	68	689	215	904	73	808	3
French.....	202	94	296	19	246	23	1,260	160	1,420	51	1,355	5
German.....	2,000	1,283	3,283	329	2,424	214	8,365	1,264	9,629	87	9,411	23
Greek.....	410	3	413	39	370	4	904	21	925	32	941	1
Hungarian.....	5,229	3,478	8,707	1,654	7,190	968	3,338	2,516	5,854	1,261	4,415	1,261
Irish.....	2,408	786	3,189	63	3,087	90	4,215	591	4,804	46	4,443	46
Italian (North).....	2,886	584	3,570	208	3,014	158	9,017	659	9,691	241	8,443	229
Italian (South).....	12,457	8,390	20,847	2,121	12,511	1,185	15,815	8,180	23,995	1,904	15,207	1,888
Japanese.....	1,948	358	2,306	79	1,604	23	798	230	1,028	35	955	4
Lithuanian.....	2,818	695	3,513	187	2,183	148	2,699	659	3,358	153	3,244	16
Magyar.....	472	732	1,204	472	732	221	1,585	1,947	3,532	429	6,106	18
Polish.....	2,191	1,191	3,382	484	1,607	153	3,708	1,247	4,955	2	4,906	1
Portuguese.....	89	69	158	10	107		170	7	187	2	168	
Russian.....	59	13	72		58		38	38	76	40	36	
Serbian.....	596	171	767	36	689	22	1,282	356	1,638	32	1,496	1
Scandinavian (Finnish).....	3,234	1,049	4,283	154	4,010	119	9,082	918	9,999	124	8,693	13
Scandinavian (Norwegian, Danish and Swedish).....	106	33	139	8	116	15	8	38	134	19	106	
Slovak.....	5,672	1,666	7,338	336	6,899	303	6,023	1,684	7,707	851	7,033	25
Spanish.....	50	9	59	6	50	5	125	16	141	12	128	
Syrian.....	90	33	123	18	97	7	88	28	109	18	90	
Turkish.....	3	3	6		57		36	36	72	13	30	
Welsh.....	40	14	54	4	46	4	59	16	75	6	45	
Total.....	51,804	17,664	69,468	6,363	59,184	3,461	54,189	15,994	70,183	5,899	60,872	3,515

The exceedingly large diminution in the proportion of aliens destined to New York State during the quarter ending with last March would indicate that the tide of immigration has begun a permanent flow from the congested cities of the East and is finding an outlet to less populous places in the interior of the country. Whether the reason for this distribution lies in the fact that the new settlers have become convinced that opportunities for employment in the crowded towns at or near the North Atlantic seaboard have diminished with the constant influx of the varied races from the Old World, or that there is a demand for their labor at remoter points in the United States, is of course conjectural, but a more even distribution of this population throughout the Union is certainly desirable, and if the equalizing process continues it may go a long way toward solving a very knotty problem. In the quarter named 32.5 per cent of the immigrants announced that they were going to live in this State, but a clearer conception of the extent of the falling off here may be obtained by reference to the figures for the different quarters since the publication of immigration statistics commenced in the BULLETIN in 1899, for it will thus be seen that the percentages of those who had made known their intention to remain in the Empire State were:

Quarter.	Year.	Per cent.
Second	1899	40.6
Third	1899	46.9
Fourth	1899	42.8
First	1900	36.8
Second	1900	41.5
Third	1900	46.0
Fourth	1900	43.6
First	1901	32.5

While New York recorded a decrease in the proportions, Pennsylvania had a material gain, 27.1 per cent going to that State in the first three months of this year, the major portion taking up residence in the coal regions. The percentages for the other quarters are given below:

Quarter.	Year.	Per cent.
Second	1899	16.3
Third	1899	15.6
Fourth	1899	19.3
First	1900	22.1
Second	1900	16.6
Third	1900	16.2
Fourth	1900	18.3

In comparison with the quarter ending March 31, 1900, there was also a perceptible decrease this year in the proportion of

people who were destined to Massachusetts, New Jersey and Connecticut which, next to New York and Pennsylvania, are the largest States in the North Atlantic Division. The percentages follow:

	FIRST QUARTER.	
	1900.	1901.
	Per cent.	Per cent.
Massachusetts	7.9	5.2
New Jersey	7.3	6.6
Connecticut	3.4	2.8

On the other hand, there was a noticeable increase in the destinations to several large States in other divisions, as demonstrated by the percentages, which are given here for the two periods considered:

	FIRST QUARTER.	
	1900.	1901.
	Per cent.	Per cent.
Illinois	5.8	6.4
Ohio	3.2	3.5
California	1.4	2.0
Wisconsin	0.9	1.1
West Virginia	0.8	1.1
Colorado	0.6	1.0

Following is the tabular statement of the avowed destination of the whole number of immigrants who landed at the Port of New York during the quarter ending March 31, 1901:

Alabama	31	Nebraska	351
Alaska	5	Nevada	118
Arizona	55	New Hampshire	74
Arkansas	18	New Jersey	4,633
California	1,361	New Mexico	12
Colorado	702	New York	22,664
Connecticut	1,954	North Carolina	2
Delaware	111	North Dakota	254
District of Columbia	36	Ohio	2,423
Florida	29	Oklahoma	21
Georgia	22	Oregon	111
Idaho	58	Pennsylvania	18,930
Illinois	4,481	Rhode Island	687
Indiana	349	South Carolina	3
Indian Territory	55	South Dakota	315
Iowa	519	Tennessee	62
Kansas	170	Texas	134
Kentucky	20	Utah	67
Louisiana	66	Vermont	101
Maine	51	Virginia	70
Maryland	239	Washington	200
Massachusetts	3,597	West Virginia	500
Michigan	1,214	Wisconsin	737
Minnesota	1,070	Wyoming	136
Mississippi	8		
Missouri	413		
Montana	255		
		Total	69,783

NEW YORK STATE FREE EMPLOYMENT BUREAU.

Report of Superintendent.

The work of the Free Employment Bureau for the quarter ending March 31, 1901, is of the same character as the preceding quarters, consisting, as it does, of receiving applications from people who desire to use the Bureau to find employment and applications from employers for labor. It is, strictly speaking, the work of a State labor exchange, conducted on business principles. Each applicant for work files with us references from former employers, which references are investigated, making strict inquiry as to the character of the parties and ability to perform the work they are in quest of. By this means we are enabled to speak intelligently when they are introduced to those who seek to employ them.

The advantages offered to the general public are as follows: To the people desiring employment, engagements by employers, who in turn for services rendered will pay the compensation agreed upon. To employers the advantages are introduction to help whose references have been investigated attesting to competency, sobriety and honesty. In the matter of domestic help, or, in fact, for all help, this is of great importance, but all the more so in connection with people employed in domestic circles. Very often families leave the home in care of the help, and it is then of the utmost importance that they should know something as to the character of such before introduced to the home circle.

It is pleasing to be able to say that there were but few complaints by either employers or employees, and that such as were made were of a minor nature.

Our attention has been called to the fact that some unscrupulous people in the city are making use of the Pan-American Exposition at Buffalo to get people to pay fees to secure various kinds of work in and around the Exposition buildings. The manner in which this is accomplished is as follows: An advertisement appears in one of the metropolitan papers stating that a certain number of people can find employment at the Exposition, stating the amount of money to be received per month for services rendered if parties will address box so and so, such and such a news-

paper office. One woman who went to Buffalo through such an agency found to her regret when she arrived there that no such employment was to be obtained, and after searching in vain for work such as it was her custom to perform she was left destitute in Buffalo. Through the kindness of some ladies who became interested in her case a return ticket to New York was secured for her, and only by this means was she able to return. From what we can learn it is safe to say that at present there is no scarcity of any branch of domestic labor in Buffalo, and women should be very careful before they pay any money to employment agencies for the privilege of being sent on such a wild-goose chase.

On May 1st the Bureau moved from No. 30 West Twenty-ninth street to No. 107 East Thirty-first street, where it is now located in a building occupied by the local branch of the New York State Department of Labor. The change is for the better in many respects, the locality is more central, being but a short distance from the New York Central depot, and the ferries leading to the Long Island railroad, and, by transfer, the Pennsylvania, the Erie and West Shore railroads. The parlor floor of the building has been fitted up for our work, the office for employers being in the front. This is a fine, large room, and is all that could be wished for, while the waiting rooms for the employees in the rear are neat, airy, and home-like in every particular.

TABLE SHOWING THE WORK OF THE BUREAU DURING THE QUARTER ENDED MARCH 31, 1901.

Applicants for work.....	1,331
Applicants for help.....	690
Situations secured.....	566
Percentage of applicants securing employment.....	42.5

INDUSTRIAL DISPUTES IN NEW YORK STATE

Albany and Troy Street Railway Employees.

The most important event in this year's history of the labor movement in New York State was the strike of the conductors, motormen and other employees on the street railways in Albany, Troy and the several towns adjacent to those cities. During the progress of the dispute great excitement prevailed in Albany, but in the other localities there was comparative quiet. Some 3,000 troops were ordered out to quell disturbances in Albany, to prevent possible destruction of the railroad corporation's property, and to protect non-union employees in their efforts to operate cars. A deplorable outcome of the affair was the fatal shooting by militiamen of two reputable and inoffensive citizens who happened to be in the vicinity when an assault was attempted upon a detachment of soldiers who were guarding a car manned by a non-union crew. The controversy lasted from the 7th to the 18th of May, when a settlement satisfactory to both sides was reached.

The electric surface lines on which the strike occurred are owned and conducted by the United Traction Company, whose system extends through the cities of Albany, Rensselaer, Water-vliet, Troy and Cohoes, the villages of Green Island and Waterford, and along the turnpike which connects Albany and Water-vliet. The workmen who engaged in the strike are affiliated with the Amalgamated Association of Street Railway Employees of America and are organized in two divisions, one of which, No. 148, has headquarters in Albany, while the other, No. 132, is located in Troy. According to the report of the traction company there were altogether 1,011 persons involved in the walk-out. Of that number 562 were connected with the Albany section of the road, 250 being conductors, 250 motormen, 6 linemen and drivers, 40 shopmen, and 16 power-house employees. In Troy 449 men took part, consisting of 200 conductors, 200 motormen, 9 linemen and drivers, and 40 shopmen.

The differences between the company and the unions arose on the 16th of March over a series of demands made by the latter.

The main points of contention related to the employment of eight men who were not associated with the labor organization; to an advance in the wage rate of night workers, who were then receiving 18½ cents an hour, but desired 20 cents per hour, which was the scale paid to conductors and motormen for day work; and to the dismissal of men upon the unsupported evidence of an inspector. Below is the full text of the demands:

"First. That the company would continue to treat with the properly accredited officers of the said divisions of the employees' associations.

"Second. That no person should be allowed to act as a motorman or conductor on the cars of the United Traction Company who is not a member of the association; in case of expulsion of any of its members the company could dismiss from its service such member or members upon satisfactory proof of misconduct alleged, or conduct contrary to the spirit or condition of the requests hereby made.

"Third. That no time table shall be worked until it has received the approval of the executive boards of each of the said divisions of the association.

"Fourth. That the company shall pay all conductors and motormen operating cars on their lines at the rate of 20 cents per hour; all time on cars to be paid for whether they are running or not; pay all pit men at the rate of 20 cents per hour, and helpers at the rate of 17½ cents per hour, not less than ten hours to constitute a day's work.

"Fifth. That all employees of the United Traction Company shall have free transportation on all lines owned or operated by the company.

"Sixth. That any member of the association who wishes to lay off on business of the association shall have preference over other men who wish to lay off on individual business; in cases of vacancies on the regular runs men to move up in rotation.

"Seventh. That no employee shall be dismissed upon the unsupported evidence of one inspector.

"Eighth. That the rule to register inspectors should be abolished unless a pass is tendered to the conductor of the car by such inspector.

"Ninth. That all suspensions or dismissals by superintendents shall be subject to reversal by the executive committee of the company.

"Tenth. That the company shall furnish electric heat or coal to all flag shanties maintained by it and shall not remove any of said flag shanties now maintained by it.

"Eleventh. That the company shall maintain the same number of relief cars as were run by it on February 22, 1901, and will run more regular and relief cars if travel demands it.

"Twelfth. That the company shall pay employees for all time lost during suspension should the employee not be found guilty of the charges preferred against him."

At a meeting of the company's executive committee, held on April 13th, the foregoing demands were considered and the most

of them rejected. A written answer to this effect was submitted to the president of each organization affected. Subsequently an official of the corporation issued a statement concerning the attitude of the executive committee in regard to the matter. Said he:

"In these answers we declined to accede to request No. 2 for the reason that it would be quite as unjust to require an applicant for a position to join a labor organization as to require him not to join such an organization. Section 171a of the penal code makes it a crime for an employer to require an employee not to join a labor organization, and we regard it as equally unjust to make an employee join a labor organization.

"We declined to accede to the third request for the reason that all time tables would be under the control of the union's executive board.

"We refused to accede to the fifth request because it is not necessary for the employees of one division to ride on the other divisions.

"We declined to grant the sixth request on the grounds that the business of an individual member of the association may be as important, if not more important, than the business of the association. Oftentimes the business of the individual cannot wait, while it is difficult to conceive of any reason why the business of the association should not wait.

"We refused to grant the seventh request because we think that the superintendents of the divisions should be judges of the fact and they alone should determine what evidence is sufficient to convince them of the truth of the charges made against the men.

"The tenth request is refused because the heating of shelter shanties is not necessary and has often been the temptation for the men to remain inside instead of promptly attending to their duties.

"We can see no reason for granting the eleventh request. No intention of reducing the regular cars has been expressed by anyone.

"To the eighth, ninth and twelfth requests we have acceded.

"We have declined the fourth request because the United Traction Company has just entered upon the second year of its existence and has heretofore made substantial advances to its motormen and conductors and other employees. And, considering the fact that it is meeting with opposition in the several cities and villages through which its cars run and that there are several proceedings pending looking to the reduction in fares and the giving of transfers in Albany and Rensselaer Counties, we do not think it is an opportune time to make any advances. Furthermore, we desire to say that the United Traction Company is paying the motormen and conductors in its employ thirty-six per cent of its gross receipts, and that while there are ninety-two street railroads in the State of New York, there are only sixteen other roads paying more than that and these are not paying dividends."

In reply it was contended by the men that they wanted uniformity of wages and proper recognition of the union, urging that "union recognition is always looked upon as a fair demand by the people, and the question of wages would be concurred in

by any persons who will try to operate the front end of a car for ten hours straight when the thermometer is below zero."

On April 27th it was reported that a committee representing both divisions of the Amalgamated Association appeared before the executive committee of the company and waived all requests theretofore not granted, except Nos. 2, 4 and 7, and asked that a reply as to the determination on these propositions be given on or before May 1st, on which date it was announced that the company had concluded to adhere to its original decision. Then on the 4th of that month a communication was presented to the executive committee of the traction company, addressed to the general manager, declaring that at a special meeting of Division No. 148, held on the preceding day, it was resolved to refuse to work on and after May 7th with the eight non-members of the association. All the lines of the United Traction Company in Albany were tied up on the morning of that day as a result of failure on the part of employees and officials to settle the differences that had been subjects of discussion during the previous six weeks. At a meeting of the company's men in Troy on May 7th action was taken similar to that pursued by their fellow-unionists in Albany, with the exception that the railway officials were given until the succeeding day to grant the demands, which were refused, and the members of Division No. 132 quit work on that day.

It was stated that on May 8th an attempt would be made to operate the road with a force of non-union men, but this was not undertaken. There was no change in the situation on the following day, but on the 10th Commissioner of Labor McMackin took steps to bring the disputants together for the purpose of arriving at a settlement of the difficulty. He conferred with both sides, suggesting that a committee of six, three from the strikers and three from the company, meet and endeavor to reach a satisfactory conclusion on all the problems involved, except that relating to the non-union men, that point to be submitted for adjudication to a seventh man to be selected by the committee. The proposition met with the approval of the union officials, but the officers of the company at first refused to take part in any negotiations looking to the arbitration of the question relating to the non-union employees. A few days afterward, however, at the

solicitation of the Commissioner of Labor and Secretary Ralph M. Easley, of the National Civic Federation, the company's representatives receded from their position, and agreed to enter a conference with the representatives of the striking workmen. This was accordingly held, and on the morning of the 13th an agreement was signed by President Robert C. Pruyn of the United Traction Company, President James M. Sheehan of Albany Division No. 148, subject to the approval of that branch (which later in the day met and declined to ratify the agreement), Treasurer Orr of the men's international association, and individually by John Roach of Troy Division No. 132. This proposition was reported to have had the approval of President Mahon of the Amalgamated Association of Street Railway Employees. The compact, which did not go into effect because Division No. 148 and three committeemen from the Troy union refused to give it their sanction, was as follows:

"Memorandum of agreement made between the United Traction Company of Albany, N. Y., party of the first part, and Divisions Nos. 132 and 148 of the Amalgamated Association of Street Railway Employees of America, party of the second part, witnesseth:

"First. Party of the first part, through its properly accredited officers, will continue to treat with its employees of the Amalgamated Association of Street Railway Employees of America, Divisions 132 and 148, through its properly accredited officers.

"Second. The wages for all day runs of motormen and conductors shall be 20 cents per hour for a day of ten hours. The wages for night runs now in dispute shall be submitted to arbitration, each party selecting one arbitrator, and these two selecting a third.

"Third. A plan of arbitration of questions of wages or hours of work shall be adopted between the United Traction Company and a committee of international officers of the Amalgamated Association as to such of the employees of the company as are members of local Divisions Nos. 132 and 148.

"Fourth. All employees returning at the time fixed by the published notice of the company shall be permitted to go to work, and there shall be no discrimination against any of the men.

"Fifth. This agreement to be binding upon the respective parties for two years from the date hereof.

"Dated, May 13, 1901."

Meanwhile the Common Council of Albany passed, and Mayor Blessing approved, "an ordinance to provide for the public safety and to prohibit the employment of incompetent persons in the management or operation of electric power or motors upon the street cars in the city." This enactment, which pre-

cluded the possibility of engaging green hands to act as motor-men, stipulated that any railway or traction company licensed and granted franchises by the Common Council to lay tracks and run cars in any of the streets shall not "permit any person or persons to manage or operate the electrical power or motor upon any car carrying passengers unless such person or persons so operating or managing has had at least twenty-one days' instruction or experience in the handling and operating of electric motors as used upon cars." The penalty for each offense was a fine of not less than \$50 nor more than \$250. Any person not possessing the qualifications required by the ordinance who managed or operated the electrical power or motor upon any car, or attempted to do so, was liable to a fine not exceeding \$50 or by imprisonment not to exceed ten days, or by both.

After the conference of the 13th the officials of the company held a meeting and decided to notify the Mayors and Chiefs of Police of Albany, Rensselaer, Watervliet, Troy and Cohoes, the Presidents of the Boards of Trustees and Chiefs of Police of Green Island and Waterford, the Commissioners of Public Safety of Albany and Troy, and the Sheriffs of Albany and Rensselaer Counties, that it would resume traffic on all of its lines on May 14th, and demanded that lawful means be taken to protect the property of the corporation and its employees in the operation of the cars. Upon receipt of this notice, in which it was set forth by the company that it had information to the effect that there would be an attempt made to destroy its property and prevent the running of cars, the various city, village and county officials at once commenced to prepare for any emergency that might arise.

There arrived in the Capital City from New York on the night of the 13th several hundred men, who had been engaged to operate the cars. Under police protection they were escorted to the company's Quail street barn, in the western part of the city, where quarters had been prepared for them. From that point at 10 o'clock on the following morning a car was started, and a large crowd which had gathered in Quail street greeted it with yells, hisses, and a shower of stones and bricks. It proceeded as far as the Union Railroad Station on Broadway. On its return trip the switch was found spiked with a pickaxe and

the track was otherwise obstructed. Further endeavors to return it to the barn were abandoned. An attempt was soon made to move another car from the Quail street building, but the trolley wire was broken, and a piece of rock hurled at the motor-man struck him on the head, causing serious injury. He was conveyed to the hospital, where he was confined until June 23d. This put an end to all efforts on the part of the company to run any more cars during the day. At this juncture the police authorities declared that their force was insufficient to prevent disorder and violence. Sheriff McCreary was then prevailed upon by the company to call on the local militia for aid and to appeal to the Governor for further assistance from the National Guard. At 4:30 p. m. Major-General Charles F. Roe, commanding officer of the State troops, directed Major James L. Hyatt to muster the Tenth Battalion of Albany at the armory and hold it under arms ready for duty. At 10 p. m. an order was issued to send Company B to the Quail street barn, Company C to the power house, and Company D to the North Albany car house. After the Sheriff had asked that the Albany County troops be ordered out he concluded that they would be entirely inadequate to cope with the situation. He therefore communicated with Major-General Roe, who, after consultation with the county officer and Brigadier-General Robert S. Oliver, commanding the Third Brigade, telegraphed Governor Odell, at Newburgh, informing him of the state of affairs, and requesting authority to call for all the troops he needed. Such authority was granted, and the Second Regiment of Troy, the Twenty-third Regiment of Brooklyn and the Ninth Regiment of New York were ordered to proceed to Albany. This made a military force of 3,000 men stationed in various parts of the town.

The officers of the union stated that they deeply regretted that disturbances had occurred and absolved the members from any responsibility in connection with the outbreak. President Sheehan said with reference to it:

"The members of the association were not interested in nor did they participate in the trouble, so far as the reports which have been made to me indicate. All the striking men have been specially and repeatedly instructed to keep aloof from any acts of violence, and I have perfect confidence in them. Any striker who is guilty of any act which is prejudicial to the peace of the community will be severely and summarily dealt

with. I regret this trouble, but can only continue to caution the men to refrain from hostile acts toward the company, and the association and its officers will use their best efforts to this end."

The presence of the non-union men who had been employed by the traction company to operate the road continued to create scenes of excitement. Under the protection of the militia some cars began to move on the 15th. Mayor Blessing on that day issued this proclamation to the people of Albany:

"The unfortunate difference which exists between the United Traction Company and its employees has resulted in a fever of excitement, and yesterday culminated in a disregard of law and order which is most detrimental to the interests of this city. It is the duty, in this emergency, of all citizens, by their example and influence, to uphold the authorities of the city in their effort to protect the property and the lives of our people. Those encouraging disorder or violation of the law will be prosecuted to the full extent of the power of the city authorities. I therefore urge that all not lawlessly inclined devote themselves to their various occupations and avoid congregating in those places where disturbances have occurred or are likely to occur, that the innocent may not suffer with the guilty."

On the 16th the company again started its cars with non-union employees. Each of these electric vehicles was guarded by twelve soldiers, and the militia was also distributed along the streets through which the cars passed. No passengers were admitted to the cars. About 4 o'clock p. m. members of the Twenty-third Regiment, while on a car on Broadway near Columbia street, fired into a crowd which had gathered there, shooting two prominent citizens, E. Le Roy Smith, a shoe manufacturer, and William Walsh, an employing plumber. Both men subsequently died from the effect of their wounds. It was claimed by the soldiers that bricks were thrown at them and they fired in self-defense. There is a diversity of opinion in regard to this lamentable affair as to whether the militiamen were justified in their action. The Coroner is at present investigating the matter.

Negotiations for the settlement of the strike were then taken up by Mayor Blessing, who had a conference with other city officials, counsel for the strikers, and representatives of the company and of the Albany Federation of Labor. The Mayor insisted that the strike must end, and that if the differences could not be adjusted at once by arbitration the city would take the matter in hand and settle it through the powers invested in the Common Council by the charter. The stand taken by the chief

executive of the city was communicated to the board of directors of the company, and the Mayor also appealed to the men to make a compromise so that the difficulty might be speedily terminated. This action had the desired effect, for the officials of both the company and the labor organizations conferred and entered into the following agreement, which ended the strike on the 18th of May:

"Memorandum of an agreement between the United Traction Company of Albany, N.Y., party of the first part, and the Amalgamated Association of Street Railway Employees of America, Divisions 132 and 148, located at Troy and Albany, N. Y., parties of the second part, witnesseth:

"First. The parties of the first part will continue to recognize and treat with any committee of its employees, representing organized or unorganized labor, when they desire to be heard in relation to any grievances.

"Second. Any man who may be suspended or discharged by the superintendent shall be entitled to appeal to the executive committee of the company and to have a hearing by that committee.

"Third. Conductors and motormen who exhibit their several badges by pinning them upon the lapels of their coats shall be permitted to ride without payment of fare on all cars operated on a division to which such conductor and motorman belong, and all other employees shall have passes on their respective divisions.

"Fourth. Inspectors riding on cars shall not be registered as passengers unless a pass is given to the conductor.

"Fifth. The party of the first part will pay all employees for time lost when they have been suspended by the company and found not guilty.

"Sixth. There will be no discrimination against any of the men on account of the strike of May 7, 1901, but this shall not apply to those under arrest, or who within the next ten days may be placed under arrest, charged with the commission of unlawful or riotous acts, until the executive committee, after a hearing given to such persons, shall be satisfied that there is a reasonable doubt of their guilt, when they shall be restored to their place, or unless such person shall be acquitted in the court.

"Seventh. The right which already exists is hereby confirmed, viz.: The party of the first part is free to employ union or non-union men, and to discharge them for cause.

"Eighth. The wages of all the motormen, conductors, linemen and pitmen shall be 20 cents per hour, and of pitmen helpers, 17½ cents per hour.

"Ninth. The party of the second part agrees that in consideration of the several agreements herein contained to be kept by the company, that the members of the said divisions will discharge their duties in an efficient, faithful and skilled manner.

"Tenth. To promote the interests of the parties hereto and to reduce as much as possible inconvenience to the traveling public, it is agreed that no proposition for a strike shall be acted upon by any division at the same meeting at which it is introduced. But that at least forty-eight hours shall elapse before such proposition shall be voted upon. And if a

strike shall be ordered it shall not take effect until at least six days have elapsed after notice to the company, during which time the employees shall continue their work.

"Eleventh. This agreement shall continue in force and shall be binding not only upon the parties hereto, but upon their successors or any organization formed by the members of said division for the term of three years from the date hereof."

New York City Rapid Transit Tunnel Workmen.

Several unions affiliated with the Central Federated Union informed that body in December, 1900, that they had a number of grievances against the sub-contractors on the tunnel which is in course of construction for the Underground Rapid Transit Railroad in the Metropolis. A committee was in that month chosen by the central organization to enter into negotiations with the employers on the tunnel for the purpose of arranging suitable terms that would promote harmony of action and thus insure uninterrupted progress with the work until it reached completion. The committee proceeded with its task, announcing from time to time that its overtures were receiving proper consideration, and that eventually an agreement would be consummated that would tend to prevent friction and result in speedily settling any dispute that might arise between the sub-contractors and their union workmen. Such was the condition of affairs about the middle of May, when an event transpired which bade fair to create a stoppage of work on the great underground undertaking for an indefinite period, and which occasioned much comment owing to the growing demands of the public for improved transportation facilities through Manhattan and the Bronx. Operations at the time were under way at various points from the City Hall to Harlem, and more than 5,000 workers, skilled and unskilled, organized and unorganized, were employed.

Members of organizations consisting of safety, eccentric and standard engineers, rock drillers and tool sharpeners, and double drum hoister runners, were engaged on outside work as well as on the tunnel. On the latter eight hours was a regular day, but on the other jobs ten hours constituted a day's labor. Some of the tunnel employers were interested in these outside contracts. The unions had made a demand for the eight-hour day and the payment of their wage scales on all classes of work. Refusal to

concede these terms precipitated a general strike on the outside jobs, and the movement soon spread to the tunnel, ostensibly with a view to forcing compliance with the claims of the outside workers who had struck for a reduction of working time and uniform wage schedules. The principal grievances of the tunnel trades referred to were in relation to the payment of their scales of wages for overtime work and for bi-weekly payments of wages on the job, but the hoister runners in addition asked that their minimum daily wages be fixed at \$2.50 instead of \$2.25.

The subway enterprise being of a public character the law limiting the daily labor hours to eight, except in the event of extreme emergency, when overtime was permitted, was not being strictly observed, according to the statements of the men. While they did not have any desire to work more than eight hours, they said that if absolutely necessary they were willing to do so if paid the amounts stipulated in their respective schedules of prices. They, however, declared that the sub-contractors were paying single price for this extra work, when the rules of some of the unions required price-and-a-half and of others double price. As to the demand for wage payments every two weeks on the work it was set forth by the workmen that pay-days were irregular; that they were forced to go long distances from the points at which they were engaged in order to get their money, and that frequently it was late in the night before they were paid.

The strike on the tunnel opened on May 22d, and it was stated by the unions that 330 engineers, 285 rock drillers and tool sharpeners, and 94 double drum hoister runners had engaged in it. The labor organizations likewise reported that some of the outside contractors had granted their demands immediately, but that on the works of those who had refused there were, respectively, 300, 128, and 112 involved. Wages paid to engineers on these last-mentioned contracts varied from \$2.75 to \$3.50 per day and they decided that the latter sum, the regular union rate, should be the minimum. The rock drillers and tool sharpeners did not ask for any change in their wage rate, which was \$2.75, their chief demand being in regard to the shorter workday. The hoister runners sought a uniform wage of \$2.50, instead of \$2 and \$2.25, which were being paid at the time.

The dispute on the tunnel affected all sections of the work and a partial tie-up resulted, as the excavating laborers, who constituted the majority of the employees, were unable to continue without the aid of the more skilled workers who were on strike. The Central Federated Union endorsed the strike on May 26th, but rescinded that action on the following Sunday, June 2d, and bestowed upon its committee full power to settle the trouble, the aggrieved trades having consented to waive their demand that "the pending agreement between the contractors on Rapid Transit work and our unions shall include work done by said contractors outside the Rapid Transit, and if they will sign the agreement presented by the committee of the Central Federated Union, calling for union wages and eight hours on Rapid Transit operations, we will instruct our members to return to work." Clothed with full authority to end the difficulty the Central Federated Union committee convened with the committee of the Rapid Transit Sub-Contractors' Association on June 4th and entered into an agreement which brought the strike to a close. It is to remain in force for two years. Besides providing for the employment of union men, it stipulates that eight hours shall constitute a day's work, that overtime work shall be practically abolished, that present rates of wages shall be paid to all tunnel workers whose unions are represented in the Central Federated Union, that double drum hoisters shall receive \$2.25 a day up to July 1, when the rate is to be \$2.50, and that all differences shall be settled by arbitration. It was verbally agreed that pay-days shall be every two weeks at the various points where the men are engaged. The agreement in full is as follows:

Agreement between unions represented in the Central Federated Union of New York City and the subcontractors on Rapid Transit Railroad.

First. That the unions affiliated with the Central Federated Union having men employed upon the said Rapid Transit construction hereby agree that if any grievance should arise upon the said contract it must be submitted by the organization having said grievance to the unions connected with the Central Federated Union who have members employed upon said Rapid Transit Railroad construction. The representatives of the trades or calling having men employed upon the said work, after carefully considering the said grievance, shall take a vote upon the same, and if a majority of the said representatives vote that the grievance is a just one, the same shall be presented to the committee of subcontractors for consideration, the committees selected by the representatives of labor and by the subcontractors respectively to have power.

Should any of the subcontractors have a grievance it will be submitted to the Subcontractors' Association first, and if a majority of the subcontractors vote that it is a just grievance it shall be submitted to the committee of the subcontractors and the committee selected by the representatives of labor, respectively, and shall be settled the same as a grievance from the labor organization.

In the event of the committees failing to agree upon a grievance submitted, within a reasonable time, either side can demand that a disinterested party shall be selected to arbitrate the matter, the finding to be binding on all parties to this agreement. No strike or lockout or suspension of work shall take place on either side on account of any grievance upon the Rapid Transit construction by the parties to this agreement. All disputes on either side must be settled by conference. In the event of failure to agree they must be settled by arbitration.

Second. Any practical workman of any trade employed on Rapid Transit Railroad work who is not at present a member of a union may become a member upon his application, subject to its rules and regulations. Anyone now employed upon said work who has been a member of any union and has become a delinquent through non-payment of dues and fines, as provided in their constitution, shall, upon payment of such dues and fines, be reinstated in good standing. Anyone hereafter employed upon said work who being a member of a union shall become a delinquent through non-payment of dues, fines, etc., may be dealt with under the constitution of the union of his trade or calling.

Wages to be paid to members of the unions represented in the Central Federated Union and employed on the work in accordance with the schedule attached to this agreement so far as the same shall apply. Wages for trades not therein specified (which may be admitted by mutual agreement hereafter to the benefits of this agreement) shall be settled between the two committees or by arbitration as above provided in case of failure to agree. This agreement shall only apply to the members of the trades whose unions are represented in the Central Federated Union, as shown on the list hereto attached. All persons hereafter employed on the work of any trade or calling having a union associated with the Central Federated Union shall be members of such union, so far as it can supply the demands of the sub-contractors for capable and efficient workmen; otherwise, the sub-contractors shall have the right to employ persons not members of such unions and such persons so employed may, upon their application, become members of the unions of their respective trades, subject to their rules and regulations. It shall not be necessary for foremen or master mechanics to be members of a union.

The sub-contractors hereby agree to reinstate all men who went out on the recent strike within twenty-four hours. It is understood that in discharging men the sub-contractors and their foremen shall have the right to do so, and this shall not be a subject for arbitration; it is understood, however, that such discharge must not be on account of his being a union man or anything pertaining to his union. The sub-contractors agree to comply with all valid provisions of the law of New York State affecting the work, including that which provides that no workman or mechanic shall be required to work more than eight hours in any one calendar day

except in cases of extraordinary emergency caused by fire, flood or danger to life or property.

This agreement shall become valid and binding when endorsed by the committees appointed by the Central Federated Union and the sub-contractors of the Rapid Transit Railroad, respectively, and shall remain in force two years from date and will be renewed at that time with the proviso that such changes as may prevail in the rates of wages at that time shall be embodied in the new schedule of rates.

In witness whereof, the parties hereto have, by their respective committees, affixed their hands this 4th day of June, 1901.

WM. J. O'BRIEN,
EDWARD FRIDAY,
JOHN J. PALLAS,

For Central Federated Union.

GEO. W. McNULTY,
F. HOLBROOK,
E. J. FARRELL,

For Sub-Contractors Rapid Transit
Railroad.

SCHEDULE.

Architectural Iron Workers, present union rates.

Amalgamated Association of Plumbers and Gas Fitters, \$3.75.

Amalgamated Sheet Metal Workers, present union rates.

United Pavers, \$4.50; Rammers, \$3.50; Bluestone Cutters, \$4; Flaggers, Bridge and Curb Setters, \$1.

Marble Cutters, Polishers and Helpers, present union rates.

Coppersmiths' Union, present union rates.

Electrical Workers No. 3, for permanent work, \$3.50, and for helpers, \$2.

Amalgamated Eccentric and Standard Engineers, \$3.50 per day, or \$18 per week.

Safety Engineers, \$3.50 per day, or \$18 per week.

Amalgamated Eccentric and Standard Firemen (where more than one engineer is needed) \$2.50; this to be regulated by present custom.

Enterprise Association of Steam Fitters and Helpers (this to apply to permanent work) present union rates.

Granite Cutters, present union rates.

Painters (on work so far as under control of sub-contractors), \$3.50.

Tile Layers and Helpers (so far as under control of sub-contractors), present union rates.

House Movers and Shorers (on work where foundations of buildings are concerned), \$2.75.

Metropolitan Double Drum Hoisters, \$2.25 up to July 1, 1901; after that date, \$2.50. [Norm.—Engineers to run engines attached to boilers or within a reasonable distance, as is the present custom.]

International Association of Machinists; all this class of work done under the contract to be done in union shops, so far as sub-contractors can control.

Pipe Calkers and Tappers (work so far as sub-contractors can control), \$3.

Rock Drillers and Tool Sharpeners, \$2.75.

Tar, Felt and Waterproof Workers (so far as sub-contractors can control), present union rates.

All forging or blacksmith work is to be done in union shops so far as sub-contractors can control.

Another strike on the Rapid Transit tunnel, but which did not have any connection with the affair described in the foregoing account, was that of 100 structural iron workers attached to the

United Housesmiths and Bridgemen's Union. It began in May, and was for an increase in wages from forty cents to forty-seven cents per hour, and is pending. The general strike of engineers, rock drillers and tool sharpeners, and double drum hoister runners on outside contracts is still in progress.

New York, Manhattan and Bronx, Bricklayers.

In the agreement between the Mason Builders' Association and the Bricklayers' Unions for the year ending May 1, 1901, there was a provision "that the members of the Mason Builders' Association shall do their own fireproofing, preference being given to the men employed on the construction of the walls," and that "fireproofing shall mean hollow tile, dense or porous partitions, furring or arch blocks, none of which shall be lumped or sub-let." The mason builder who had the brick work contract on a large structure at Broadway and West Seventy-third street, and who was a member of the Mason Builders' Association, did not contract for the fireproofing, that part of the work being let by the owner to a Western concern, which was not connected with the local employers' organization, and which did not engage the bricklayers who were employed in constructing the walls. This violation of the yearly compact was brought to the attention of the Joint Arbitration Committee, composed of eight union bricklayers and eight members of the Mason Builders' Association, and that board unanimously decided that work on the job should cease until the matter could be adjusted. The time fixed for cessation of labor was Wednesday, April 3d. It rained on that day and also on the succeeding day. Meanwhile notice was not given by the contractor to the men to quit, and on Friday morning, the 5th, the weather having cleared, the whistle was blown notifying them to begin work. They, numbering about sixty, refused, however, owing to the decision of the arbitration committee that they should stop until a settlement was effected. Pay-day was on Saturday at noon, and the workmen received their wages up to and including April 2d. They remonstrated, claiming that they were entitled to three and one-half days' waiting time, from Wednesday until Saturday noon, under a section of the agreement to the effect that when laid off they should be paid immediately, and in case of failure to receive their money

within one hour from the time of the lay-off they should be compensated for waiting time up to the receipt of their wages. Their contention was that the conclusion of the arbitration committee actually dismissed them from the job, and as "a lay-off meant an immediate pay-off," they were within their rights in demanding payment for waiting time. It was reported by the unions that a firm of sub-contractors who were erecting the front portion of the same building laid off their men from day to day on account of the dispute, and that, exclusive of rainy days, these bricklayers were thus entitled to pay for thirteen and one-half days' waiting time. Finally, the general bricklaying contractor having secured the contract for the fireproof partitions, the embargo against him was removed by the Joint Arbitration Committee, which on April 25th ordered resumption of work, but a sufficient force of bricklayers did not respond. The unions maintained that, while a full complement might not have returned, some having procured employment on other jobs, and others insisting on payment for their waiting time before resuming, their best efforts were put forth to properly man the work. Several days thereafter the general contractor preferred charges against the bricklayers' organizations for violating the agreement. These charges were investigated by the arbitration committee on April 29th, and dismissed on the ground of no cause for action. Then the whole matter turned upon the question of payment for time lost by the men during the controversy, the unions adhering to the claim of three and one-half days for the general contractors' men, and offering to compromise on eight and one-half days for those of the sub-contractors, while the eight representatives of the employers' association decided that the workers were entitled to only two days' pay. Thereupon the eight union arbitrators pleaded for the selection of an umpire, provided by the rules in case of a deadlock, to whom the disputed points should be referred for adjustment, but the employers refused to entertain this proposition. The agreement that would have expired on May 1st was extended for a week. A session of the joint committee was to have convened on May 3d, but the employers' representatives failed to attend. Next day each of the eight unions received notice that unless their members lived up to the agreement there would be no further use for a meeting of the Joint Arbitration

Committee. At a subsequent request of the employers another meeting was arranged for May 10th, but nothing was accomplished there, and the agreement was prolonged to the 16th. The Mason Builders' Association met on the 11th, and passed a resolution that if the journeymen did not man the job at Broadway and West Seventy-third street by the 16th all bricklaying work on the building operations of the association's members would be suspended. In response to this ultimatum the unions resolved that "no bricklayer shall resume work on the job until the dispute is settled satisfactorily," and that in the event of the builders' association carrying out the threatened lockout "no members of our organizations shall resume work unless paid at the rate of sixty cents per hour"—an advance of five cents.

The lockout took place on the 17th of May. It was asserted by the unions that a number of members of the builders' association declined to obey its mandate, and as there were also many outside employers, only 600 bricklayers, out of a membership of 4,100 then in the Manhattan and Bronx Borough unions, were affected by the shut-down. These obtained employment within twenty-four hours, it was stated, owing to the fact that the busy season was at its height. The position assumed by the eight unions of the two boroughs was endorsed on May 18th by the Executive Committee of the Greater New York Bricklayers' Unions, comprising nineteen organizations located in the five boroughs.

While the lockout was pending the subjoined statement, signed by the President and Secretary of the Mason Builders' Association, presenting its side of the controversy, was given to the public:

"In April a strike occurred on the work of a member of the Mason Builders' Association. The grievance was submitted to the joint arbitration board, which is a standing committee consisting of eight members of the Bricklayers' Unions and eight members of the Mason Builders' Association, and is empowered to settle all differences between the two organizations. The grievance of the bricklayers was amicably adjusted by the unanimous action of said board. The ruling was that the grievance having been removed the bricklayers should man the job at once. The bricklayers through their delegate refused until they should be paid for the time they were on strike, and while their grievance was being adjusted by the arbitration board. The Mason Builders' Association felt that acquiescence in this demand would be placing a premium on

strikes, and establishing a dangerous precedent. They realized that the position of the bricklayers was more than unjust in that they refused to abide by the decision of the joint board, and insisted that the so-called waiting time must be paid, and that the payment of same was not a subject for arbitration. Therefore at a meeting held on Saturday, May 11th, the Mason Builders' Association passed the following resolution:

"Resolved, That Thursday, May 16, 1901, all work of journeyman bricklayers on the building operation of the members of the Mason Builders' Association be suspended unless in the meantime the members of the bricklayers unions live up to the annual agreement existing between the Mason Builders' Association and the Bricklayers' Unions, and abide by the decision of the joint arbitration board, to man the works of this member of our association.

"For sixteen years no rupture has occurred between the two organizations and an annual agreement has been signed. The Mason Builders' Association has always stood, and always will stand first and last for arbitration and an amicable adjustment of differences, but the unusual and most arbitrary stand taken in this issue compels the above action."

In a statement issued by the unions it was denied that they were the aggressors; that they had favored the arbitration of the difficulty at the beginning, and pointed to the fact that they had persistently urged the appointment of an umpire when the deadlock occurred over the question of payment for waiting time; concluding as follows:

"We as an organization claim that the employers attempted to coerce us in every form to do something for which we were not responsible. They agreed to enter into the question of the payment of the men, and this created a deadlock. When the deadlock was created they refused to accept the suggestion of the unions, calling for an umpire to decide the dispute, which is a law governing arbitration and a standing rule of this committee. We were then ordered locked out, an action which they have attempted to carry into effect. The employers of the city of New York have received our decision, which was endorsed by all our unions within the city. We deny that we have broken any agreement."

The Emergency Committee of the Mason Builders' Association addressed a communication to the unions' representatives on May 22d asking for a conference. This was agreed to by the men's committee. At a meeting held on the 27th peaceful relations were restored between the belligerents, and this agreement, declaring the incident closed and granting the requests of the unions for an umpire and for an increase of wages, was entered into:

"Resolution adopted by the joint Arbitration Board of the Mason Builders' Association and Bricklayers' Unions, held at the Building Trades Club, 1123 Broadway, New York City, on Monday evening, 27th May, 1901.

"In consideration of the bricklayers at once fully manning all the works of all the members of the Mason Builders' Association, including Seventy-third street and Broadway, and submitting all questions in dispute to a joint board of arbitration, an umpire to be appointed if necessary, whose decision shall be final and binding, we, the Mason Builders' Association, agree that the wages of bricklayers for the year ending May 1, 1902, shall be at the rate of sixty cents per hour, beginning on June 28, 1901.

OTTO M. EIDLITZ,
A. J. ROBINSON,
ISAAC A. HOPPER,
FRANCIS M. WEEKS,
CHARLES A. COWEN,
RICHARD DEEVES,
WALTER REID,
THOMAS FERGUSON,
THOMAS J. BRADY,

JAMES A. WOODNEAL,
WILLIAM KLEIN,
T. FITZGERALD,
FREDERICK JAMES,
FREDERICK LARSEN,
D. HUBLEY,
WILLIAM J. DALY,
For Bricklayers' Unions."

For Mason Builders' Association.

An umpire was selected on June 6th, and on the 14th the matter of waiting time was argued before him, but at the close of this report he had not rendered a decision.

Yonkers Bricklayers, Plasterers, Stone Masons and Hod Carriers.

A general movement for the observance of the Saturday Half Holiday on the part of Bricklayers and Plasterers' Union No. 22 had been in contemplation for some time, and May 1st was the date decided upon for the enforcement of demands for a stoppage of the week's work on Saturday at noon and for an advance of five cents per hour in wages—from fifty to fifty-five cents. Six mason builders, employing twenty workmen, complied at once with the union's terms, but 105 employees of nine other concerns went on strike because the demands were not conceded. The dispute continued until the 8th, when a compromise was effected, the men receiving the Saturday Half Holiday and fifty-two and one-half cents per hour.

The stone masons who comprise Bricklayers and Masons' International Union No. 59 made demands similar to those of Union No. 22. Twenty of them, working for six contractors, on May 1st succeeded in getting what they had asked for, while thirty-two went on strike on the work of nine firms, remaining out until the 8th, on which date they resumed operations on the same basis as the bricklayers and plasterers.

Opposition to the requirements of the Hod Carriers' Union for an advance of three cents an hour—from thirty to thirty-three cents—was quite formidable. That organization did not ask for the half holiday on Saturday, knowing that its members could only work as many hours as the bricklayers, plasterers and stone masons, but it desired to have the hourly rate increased so that there should not be any reduction in weekly earnings. At the beginning of May forty of these building laborers obtained the advance, but ninety members who did not secure it struck. Non-union men were put in their places, and the dispute lasted until the 2d of June. It was then settled in favor of the union.

Buffalo Furnace Employees.

On May 1st the 300 employees of the Buffalo Furnace Company went on strike to secure the wage scale in effect in 1900, which was ten or twelve per cent higher than what they were working for at the time. A demand was also made for the restoration of one additional man to each gang, who they claimed had been taken away at the commencement of the present season.

Several conferences were held during the progress of the strike, and on May 28th a final settlement was arrived at in which mutual concessions were made, including the restoration of the former number of men to a gang and an increase of wages.

Buffalo Team Drivers.

Early in April the Team Drivers' Union made a demand for an increase of \$1 per week in wages. The demand was refused by the employers, who compose the Buffalo Trucking Association. A strike, involving about 700 men, or practically all the team drivers in Buffalo, took place and lasted until May 11th, when a compromise pending arbitration was agreed upon. A conference was held, at which it was agreed that the Buffalo Trucking Association would again take up the consideration of an agreement from which some provisions objected to by the employees were to be eliminated and would appoint a full committee to confer with the strikers' committee, and that the strike be declared off pending final settlement by the joint committee.

RECENT LEGISLATION CONCERNING EMPLOYERS' LIABILITY.

Elsewhere in this issue are printed the labor laws enacted by the Legislature of 1901 with the exception of the lengthy Tenement House Act which will be printed in the Department's Annual Report. The most prominent labor measure of the session, however, was an employers' liability act which was recommended by the State executive in the annual messages of 1900 and 1901. Governor Odell's recommendation this year was as follows:

There have been frequent attempts during the past few years to enact what has been called an employers' liability law, the object being to place employees upon the same footing as individuals not employed, where death or injury may result from the acts of fellow employees without contributory negligence. The wide divergence of opinion existing between the employers and employees is responsible for the failure to secure affirmative action, and therefore it has been impossible for these interests to meet upon a common ground. A system of compulsory insurance of employees by the employers has been suggested as the best way of arriving at a solution of this question. It seems to me that it is possible either by this method, or by more clearly defining the law as to when the acts of the employee stand for those of the employer, to arrive at some conclusion satisfactory to both these great interests. The employer should furnish to his employee every protection. It is as necessary that careful and prudent men should be employed as it is that the best mechanical appliances should be used in the prosecution of business, and known incompetency which causes injury should be punished as fully as the failure to provide other proper safeguards. I commend this subject to you for your careful consideration. The States of Massachusetts, Indiana, Colorado and Alabama now have liability acts, and they have been found to work without detriment or serious embarrassment, and the great State of New York owes to the laboring interests of the State the same ample protection.

Several bills were introduced in the Legislature very similar to two of the bills of 1900, known as the Ford bill and Costello bill, both of which were reprinted in the Seventeenth Annual Report of the Bureau of Labor Statistics. The second of these bills, with certain amendments, finally passed the Legislature, but was vetoed by the Governor on the ground that while it afforded the employee "no new or substantial rights," it amended the statute of limitations relative to the period within which all per-

sons—employees and others—must give notice of action brought to recover damages for personal injuries. The veto, which was made after the adjournment of the Legislature, reads as follows:

STATE OF NEW YORK—EXECUTIVE CHAMBER,

ALBANY, N. Y., May 11, 1901.

Memorandum filed with Assembly bill No. 2375*, entitled "An act to extend and regulate liability of employers to employees and others for injuries suffered by them." Not approved.

* ASSEMBLY BILL No. 2375 (Introductory No. 38.)

AN ACT to extend and regulate liability of employers to employees and others for injuries suffered by them.

Section 1. Whenever, hereafter, personal injury is caused to an employe, who is himself in the exercise of due care and diligence at the time:

1. By reason of any defect in the condition of the ways, works, or machinery connected with or used in the business of the employer, which arose from or had not been discovered and remedied owing to the negligence of the employer or of any person in the service of the employer whose duty is that of keeping the ways, works or machinery in proper condition; or

2. By reason of the negligence of any person in the service of the employer, intrusted with and exercising superintendence, whose principal duty is that of superintendence, or, in the absence of such superintendent, of any person acting as superintendent with the authority or consent of such employer;

Such employe shall have the same right of compensation and remedies against the employer as if the employe had not been an employe of nor in the service of the employer, nor engaged in his work, or in case such injury results in the death of such employe the right of action by the personal representatives of such employe to recover a fair and just compensation for the pecuniary injuries resulting from such employe's death to the husband, wife and next of kin of such employe, shall be the same under and by virtue of the provisions of section nineteen hundred and two, nineteen hundred and three, nineteen hundred and four and nineteen hundred and five of the code of civil procedure as if such employe had not been an employe of nor in the service of the employer nor engaged in his work. Nothing in this act contained shall be construed as depriving any employe of any cause of action which he might have against his employer except for the provisions of this act. The use by an employe of defective or improper ways, works or machinery of his employer with knowledge of the defective or improper condition, when such use shall have been directed by such employer, or by some other employe duly authorized to give such direction, after notice to such employer, or to such other employe, of such defective or improper condition, shall not be a bar to recovery from such employer for injuries resulting from such defective or improper condition.

§ 2. An action cannot be maintained under this act by an employe in case of injury, or by his personal representatives in case of his death, against the employer, if such employe by his own negligence contributed to his injury or death; nor if such employe knew of the defect which caused the injury or death, or by the exercise of reasonable care in the discharge of his duty might have known of such defect and failed within a reasonable time after such knowledge or such opportunity to know, to give or cause to be given information and notice thereof in writing to his employer or to some person in the service of his employer charged with the duty of inspecting and repairing, or causing to be repaired or corrected, such defect; nor can any action for the recovery of damages or compensation for injury or death hereafter caused by negligence be maintained by any person either by virtue of the provisions of this act or in any other case unless notice of the time, place and cause of the injury or death shall have been given to the party against whom the action is brought within sixty days after the accident or occurrence causing such injury or death, nor unless the action to recover the damages resulting from such injury or death is commenced within one year after the accident or occurrence causing such

Owing to the fact that there has been for a long period considerable agitation for an employers' liability bill and to the conscientious thought which was given to the preparation of this bill by those having the matter in charge, I have devoted unusual study to its provisions and their probable effect. It is unfortunate that the bill has had inserted in it a provision which interferes with the rights of those who are not employees and whose mode of procedure in bringing actions against corporations for damages sustained would be very materially curtailed. The whole bill therefore must be considered from the standpoint not only of an employers' liability act but also as affecting the statutory limitations now existing in actions for negligence. Under the Massachusetts employers' liability act the term within which notice must be given is sixty days and an action must be commenced thereunder within one year, but no curtailment is made as to the rights of those who are not employees. The State of Connecticut has a special act with reference solely to the rights of the great corporations and it restricts the right to recover unless notice has been given within six months. No amendment to the statute of limitations in this State has been made in a great many years and in the meantime railroad and other corporations have extended their business and the liabilities and contingencies which have resulted from such extensions have caused actions for damages to multiply to a great extent.

For the reason that this notice would enable the corporation to make a full investigation of the circumstances of each case while the facts are more readily ascertained and probably lead to a settlement of many claims without litigation and at the same time protect the public against a recurrence of accidents from the same cause, I believe it to be just and

injury or death. The last above mentioned notice in the case of injury shall be in writing, signed by the person injured or by some one authorized to act in his behalf; but, if from mental incapacity as the result of such injury it is impossible for the person injured to give or to authorize another in his behalf to give such notice within such sixty days, then such notice may be given by any relative of such person within such sixty days, and in case of death without such notice having been given, where the person injured has not been for ten days at any one time after his injury of sufficient mental capacity to give or authorize such notice to be given, such notice may be given by the husband, wife, or any of the next of kin, or personal representatives of the deceased within sixty days after such death. Nothing herein contained with regard to the giving of notice shall, however, be so construed as to extend the time within which an action for personal injury or death may be brought, as in this section provided. The notice provided for in this section shall be sufficient in every case if it states the time, place and cause of the injury with sufficient definiteness to enable the employer or other party entitled to such notice to ascertain and investigate the matter to which it relates; but no further or other notice shall be required in the case of an injury to an employe, if the employer shall receive from its own agents, in one or more of its regularly required reports, a written statement containing the name of the person injured and the time, place and cause of the injury.

§ 3. Any employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employe for personal injuries for which compensation may be recovered under this act, or to any relief society formed under the laws of this state, may prove, in mitigation of the damages recoverable by an employe under this act, such proportion of the pecuniary benefit which has been received by such employe from any such fund or society on account of such contribution of such employer, as the contribution of such employer to such fund or society bears to the whole contribution thereto.

§ 4. This act shall take effect the first day of June, nineteen hundred and one.

fair to the corporations and also to be in the interest of the general public. Were the act under consideration one which did really contain new provisions and more thoroughly bring into our law the liability of employers to their employees I should not regard the objection recited above as being vital to the bill. But, after careful study of the proposed act I am led to the conclusion that under its provisions no new or substantial rights accrue to the employee. Therefore, so far as they are concerned, nothing would be gained by the signing of this bill and the objection urged to the feature referred to, that has been injected into the measure, is of such importance to every citizen of the State, that I am constrained to refuse my approval to this bill, preferring to leave the subject as it is now governed by our laws.

This is done in the full belief and hope that the next Legislature will take up the subject in an intelligent way and frame an enactment both as to employers' liabilities and as to the limitation which, I am convinced, should exist with reference to the notice of action upon lines which would be more equitable and just to employers, to employees and to others who may be injured by the negligent acts of corporations.

Signed:

B. B. ODELL, JR.,

Governor State of New York.

While New York thus hesitates in enacting an employers' liability law, other States are busy amending their laws on this subject.* For example, Colorado more than eight years ago enacted an employers' liability law very similar to the Massachusetts law of 1887, which seemed to be regarded by New York legislators as too radical. The Colorado Legislature, however, decided that the law was of very little benefit to the wage-earners, and at the recent session enacted a law which abrogates the fellow-servant or co-employee doctrine root and branch. It provides that every employer, in every industry, and in every case of accident shall be liable for injury to an employee resulting from the carelessness, omission of duty or negligence of the employer or of any other servant or employee. The text of the law is as follows:

Section 1. That every corporation, company or individual who may employ agents, servants or employees, such agents, servants or employees being in the exercise of due care, shall be liable to respond in damages for injuries or death sustained by any such agent, employee or servant resulting from the carelessness, omission of duty, or negligence of such employer, or which may have resulted from the carelessness, omission of duty, or negligence of any other servant or employee of the said employer in the same manner and to the same extent as if the carelessness,

* More than twenty States have enacted such laws; see "The Present Status of Employers' Liability in the United States," Bulletin of the United States Department of Labor, November, 1900, and Seventeenth Annual Report of the New York State Bureau of Labor Statistics, Part I, chapter II, and Appendix E.

omission of duty or negligence causing the injury or death was that of the employer.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed; provided, however, that this act shall not be construed to repeal or change the existing laws relating to the right of the person injured, or in case of death, the right of the husband or wife, or other relatives of a deceased person, to maintain an action against the employer.*

Europe, on the other hand, is rapidly abandoning the idea of employers' liability acts as being entire failures. One country after another finds that every attempt to base liability upon negligence breaks down by reason of the inherent difficulty of locating the blame or responsibility in the great mass of accidents that occur under modern industrial conditions. Insurance has there replaced lawsuits. When a workman is injured he may at once demand the payment of compensation graded, by law, according to the severity of the injury; and nothing but gross carelessness on his own part can invalidate his claim. The expense of compensating accidental injuries, or of carrying accident insurance, thus falls upon all employers and becomes a part of the usual expenses of production, like fire insurance; the final cost being paid by consumers.

Since the publication of the Bureau's Report for 1899, which contained an account of this legislation in England, France, Germany, Austria, Italy and other countries of Europe, the kingdoms of the Netherlands and Sweden have followed their example. The new accident insurance law of Holland,† which was approved January 2, 1901, provides that a wage-earner injured while at work and incapacitated for work for more than two days, shall receive in addition to medical attendance a compensation equal to 70 per cent of his daily wages. If the injury is permanent, the compensation is permanently continued as a pension, at the same rate in case of total disability and at a rate correspondingly reduced if the disability is only partial. If the accident results in death, the family is entitled to an allowance for funeral expenses and a pension equal to 60 per cent of the workman's wages.

* According to newspaper dispatches, the law is likely to be invalidated when tested in the courts on account of defective records in one house of the Legislature. It is charged that the bill was stolen after its passage, but before it was properly engrossed.

† Summarized in the British Labor Gazette, Feb. 1901, and in the Bulletin of the U. S. Department of Labor, May 1901.

These payments are ordinarily advanced by the State Insurance Bank, which is charged with the enforcement of the law, and which collects insurance premiums from employers. Employers may, however, themselves undertake to pay the compensation due to injured employees, provided they deposit adequate securities with the bank; or may take out accident insurance policies with duly authorized companies.

The only cases in which injured employees may not claim compensation are such accidents as have been caused through their own wilful misconduct. And a novel feature of the Dutch law is that a workman injured while intoxicated receives only one-half the regular pension, and if killed his heirs or dependents receive none.

The Swedish law bears the date of April 24, 1901,* and differs from the new Dutch law, as well as the Norwegian law of 1895, in not making insurance obligatory upon the employer. But it likewise establishes a state insurance office for the benefit of employers who may prefer to carry insurance that is both safe and cheap or to relieve themselves of the inconvenience of carrying pensioners on their pay-rolls.

Under the Swedish law, the allowances to an injured workman do not begin until the 61st day. But the most original feature is the scale of compensation. Whereas all the other European workmen's compensation acts and accident insurance laws fix the indemnity at a certain proportion of the average wages or earnings of the victim, Sweden has prescribed uniform amounts. No matter how large or how small his wages, a Swedish workman disabled by accident will receive an allowance of one crown, or 26.8 cents, a day,—payment being made on the last day of each week. When permanent and complete incapacity results, the annual pension is 300 crowns (\$80.40) payable quarterly; if the disability is partial the pension is reduced in proportion, and indeed the act itself specifies various grades of injury, such as 70 per cent of the full compensation for the loss of one eye accompanied with the weakening of the other. If the victim dies, the widow receives \$32.16 annually and each child one-half as much, pro-

*It has not as yet appeared in an English translation. The following particulars are taken from the Bulletin du Comité du Congrès International des Accidents du Travail et des Assurances Sociales, vol. XII (1901), pages 23-32.

vided however that the total amount of the pension shall not exceed \$80.40.

Excluded from the benefits of the act are employees injured through their own misconduct or gross negligence or the misconduct of other workmen.

INTERNATIONAL LABOR STATISTICS.

Wage Scales of American Typographical Unions.

Under this title, the Typographical Journal, official organ of the International Typographical Union, has published as a supplement to its issue of June 1, a collection of the wage rates and hours of labor sanctioned by each local union. Seven classes of composing-room employees are distinguished—hand compositors, machine operators, foremen, proofreaders, floor men, “ad.” men, machine tenders—and four kinds of printing establishments—morning newspapers (303 reports from as many cities), evening newspapers (365 reports), weekly newspapers (315 reports), book and job work (379 reports). In newspaper offices the hours of labor range from 36 to 54 a week, the average being 48 hours for machine operators and all composing-room employees. The nine-hour day is in vogue in practically all book and job rooms, the exceptions being towns where existing contracts prevent enforcement of the union rule or the unions are of recent organization. “So general is the observance of the shorter work-day that these exceptions are of but passing importance.”

The publication does not attempt to summarize the wage-rates, which naturally vary according to locality. The fact that “machine operators receive higher wages and work shorter hours than do hand compositors” is rather novel, for it has generally been found that the introduction of machine displaces skilled and expensive labor for cheap labor. It has been the policy of the Typographical Union, however, to acquiesce in the introduction of the typesetting machines and to induce employers to leave their operation in the hands of the compositors at practically the prevailing rate of wages. It is claimed that this policy permits employers to give the public cheaper publications, through the introduction of machinery, without, at the same time, throwing large numbers of skilled workmen out of employment.

The publication also contains the following statistics concerning the number of typesetting machines and operators in towns (in the United States and Canada) in which unions exist:

	Union offices.	Non- union offices.	Total.	Per cent. union.
Male machine operators.....	6,406	537	6,943	93
Female machine operators.....	166	99	265	63
Machine tenders	475	78	553	86
Operator-machinists	780	...	780	100
Total.....	7,777	729	8,506	91
Machines.....	4,098	877	4,975	83

The fact that the number of operators exceeds the number of machines, arises, of course, from the practice of employing day and night shifts.

Declining Wages in England.

The monthly reports of changes in the rates of wages published in the Labor Gazette by the British Labor Department have recently indicated a check to the advance in wages that began in 1896, and since the beginning of 1901, the advance has been transformed into an actual decline. The following table shows the annual changes in weekly wages since 1893:

	Number of wage-earners affected by change.	AVERAGE INCREASE (+) OR DE- CREASE (—) IN WEEKLY WAGES.	
		Shillings.	Pence.
1893.....	549,977	+ 0	5½
1894.....	670,386	— 1	4¼
1895.....	486,718	— 1	2½
1896.....	607,654	+ 0	10½
1897.....	597,444	+ 1	0¾
1898.....	1,015,169	+ 1	7
1899.....	1,175,576	+ 1	6¼
1900.....	1,088,300	+ 8	8¾

It appears that but for a slight check in 1899 the average weekly increase has steadily grown ever since 1895, and that in 1900 it was remarkably large.

The monthly changes since last November have been as follows:

	NUMBER OF WAGE EARNERS AFFECTED BY—			AVERAGE CHANGE IN WEEKLY WAGES OF WORKPEOPLE WHOSE WAGES WERE—		
	Increase.	Decrease.	All changes.	Increased.	Decreased.	Changed.
December, 1900.....	18,383	8,216	26,599	1s. 9¼d.	1s. 1¼d.	+ 10¼d.
January, 1901.....	3,061	51,631	54,692	1s. 10¼d.	1s. 10¼d.	— 1s. 7¼d.
February, 1901.....	8,342	211,861	220,203	1s. 5 d.	2s. 2 d.	— 2s. 0¼d.
March, 1901.....	140,476	55,884	196,360	11¼d.	2s. 2 d.	— 0¼d.
April, 1901.....	2,697	52,177	54,874	1s. 10¼d.	2s. 11 d.	— 2s. 8 d.
April, 1900.....	270,100	3,300	273,400	1s. 6 d.	2s. 0¼d.	+ 1s. 5¼d.

While in December, 1900, the advances were more than sufficient to counterbalance the decreases, producing an average increase of 10½d. (21 cents) in the per capita weekly wages, in January, 1901, the decreases considerably overbalanced the increases and the net result was a per capita decrease of 1s. 7½d. (40 cents) in the weekly wage. In February the decrease was still larger; but in March, owing to a slight advance in the wages of 125,000 coal miners, the average decline was almost *nil*. In April, however, the decrease was larger than before and the increases were comparatively few. The principal decreases have occurred in the iron and steel trades and in mining.

Women Wage Earners in Germany.

For several years the reports of the factory inspectors in Germany have shown a steady increase in the employment of women in factories; the following being the figures for each year from 1895 to 1899:

	Number factories employing women.*	NUMBER OF GIRLS AND WOMEN AGED—				Total.
		Less than 14 years.	14-16 years.	16-21 years.	Over 21 years.	
1895.....	30,223	1,658	73,981	260,308	403,813	739,755
1896.....	32,523	1,969	80,334	270,266	429,313	781,892
1897.....	35,530	2,381	87,173	280,682	452,237	822,462
1898.....	36,484	2,771	91,884	288,553	475,995	859,203
1899.....	40,249	3,911	98,664	297,387	501,021	899,983

*Over 16 years of age.

Between 1895 and 1898 the number of female wage-earners over 21 years old increased by 72,000, or 18 per cent; of this increase 21,000 were in the textile industries, which employ about one-half of all the factory women in Germany.

On account of the large increase in the number of female factory workers, the German Reichstag, or legislature, passed a resolution in 1898 directing the factory inspectors to make a special investigation of the subject of the employment of married women in factories. The results of this investigation, made in 1899, have been recently published. But before considering this report, it will be well to indicate the extent of women's work in Germany as shown by the 1895 census of industries and occupations.

The following table exhibits the total number of female employers, employees and wage-earners in 1895, and their dis-

tribution by groups of industries. The grand total of all classes was 6,578,350, with which may be compared the total number of male workers, 15,531,841. About 30 per cent of all workers were therefore women. Agriculture was the principal industry in which they were employed, attracting 42 per cent of the total; 20 per cent were engaged in domestic service and 23.1 per cent in industry proper (manufacturing and mining).

	a Working on own account.	b Salaried employees.	c WAGE-EARNERS EMPLOYED—		Total.	Per cent of total in each branch.
			Within their family.	Outside their family.		
A. Agriculture and forestry ..	346,899	18,107	1,020,443	1,367,705	2,753,154	41.9
B. Manufactures, mining.....	519,192	9,824	43,974	918,328	1,521,118	23.1
C. Trade and transportation.	202,616	11,987	94,527	270,478	579,608	8.8
D. Casual labor				233,865	233,865	3.6
E. Government, professions..	102,438	14,624		59,586	177,648	2.7
G. Domestic service.....					1,313,957	19.9
Total.....	1,171,445	54,042	1,158,944	2,879,982	6,578,350	100

Excluding the domestic servants 25.6 per cent of all workers in 1895 were women; this proportion is only slightly larger than the proportion in 1882 (24.2 per cent) as indicated in the following table:

OF EACH 100 PERSONS ENGAGED IN GAINFUL OCCUPATIONS, FOLLOWING NUMBERS WERE WOMEN—

	Working on own account.		Salaried employees.		Wage-earners.		Total.	
	1882.	1895.	1882.	1895.	1882.	1895.	1882.	1895.
Agriculture, forestry.....	12.1	13.5	8.3	13.8	38.3	43.4	30.8	33.2
Manufactures, mining.....	26.3	25.2	2.3	3.5	13.3	16.7	17.6	18.4
Trade, transportation.....	21.5	21.0	2.2	4.6	19.9	29.6	19.0	24.8
Casual labor.							46.2	54.1
Government, professions.....							11.2	12.4
Total.....							24.2	25.6

This table indicates a comparatively small increase between 1882 and 1895 in the proportion of women to all workers in the manufacturing industries; although the increase in the proportion of the class of female wage-earners alone was considerable, this increase was partly offset by a decreased proportion of women who were proprietors of establishments. As a matter of fact, the number of women in manufactures working on their own account was 60,000 less in 1895 than in 1882, but the total number engaged in manufacturing industry was greater by 394,142, or 35 per cent. This is shown in the following table:

INCREASE BETWEEN 1882 AND 1895—

	ACTUAL NUMBER.				PERCENTAGE.			
	(a)	(b)	(c)	Total.	(a)	(b)	(c)	Total
A.....	69,731	12,236	136,388	218,355	25.4	207.9	6.1	8.6
B.....	59,986	7,055	447,073	514,114	10.4	810.9	82.0	85.0
C.....	52,044	8,526	220,638	281,198	34.6	279.2	152.8	94.4
D.....	.....	.....	50,029	50,029	.....	.....	.....	27.2
E.....	30,525	1,728	29,128	61,376	42.5	13.4	95.6	58.2
G.....	.....	.....	.....	31,543	.....	.....	.....	2.5
Total	92,314	29,630	883,146	1,036,883	8.6	128.2	38.0	18.7

Omitting the increased number of domestic servants, the increase between 1882 and 1895 was slightly more than 1,000,000. About seven-tenths of this increase was concentrated in those industries which in 1895 severally gave employment to 20,000 or more women. These industries are shown in the following table, together with the proportion of women to all workers, the increase since 1882 both in actual numbers and in the ratio:

INDUSTRIES IN WHICH AT LEAST 20,000 WOMEN WERE OCCUPIED IN 1895—

	Number of women.	Of each 100 persons employed, following were women.	INCREASE SINCE 1882.	
			Actual.	In the ratio.
Agriculture.....	2,730,216	83.9	208,583	2.6
Sewing (dressmaking).....	289,937	100.	*	*
Retail trade.....	270,314	27.1	123,862	5.3
Hotels and restaurants.....	261,450	53.1	153,250	14.4
Working out.....	182,769	78.9	66,295	7.1
Weaving.....	177,424	40.8	†	†
Tailoring.....	169,263	36.9	*	*
Laundry work.....	118,515	95.1	19,470	—1.4
Spinning.....	100,065	58.4	17,683	—1.6
Medical and hospital.....	76,327	61.7	29,150	—1.3
Education.....	78,367	31.5	25,202	4.1
Cigars and tobacco.....	69,485	47.4	31,588	8.1
Casual labor.....	51,096	25.4	.....	.....
Knitting.....	42,461	53.2	16,025	15.0
Lawn and linen goods.....	41,361	74.1	*	*
Toilet preparations.....	32,931	95.8	‡ 9,530	‡ —1.1
Embroideries, etc.....	27,586	74.8	.....	.....
Drapers.....	24,762	37.7	†	†
Bakeshops.....	22,802	10.2	§ 18,569	§ 6.1
Paper and paper articles.....	21,860	30.8	5,281	—5.8
Bleaching.....	20,325	48.5	.....	.....

The largest actual increase in the employment of women is found in agriculture, hotels and restaurants, retail trade, garment making, textiles, tobacco working, hospitals, etc. In most of

* Dressmaking, tailoring and white goods together—86,397 and 0.5.

† Weaving and cloth-making combined—62,750 and 10.9.

‡ Includes artificial flowers.

§ Includes confectioners.

these industries the nature of the work is quite similar to that of the household to which women have been accustomed, or consists in such tasks as the keeping of books; but much of the work of women in retail trade is onerous, and there has been a real increase in factory work among women. This was the subject of the special report of the factory inspectors, which may now be considered after having seen that the increasing employment of women in Germany, when viewed in its broader aspects, is not regarded as a matter for discouragement.

The total number of married women found working in factories at the inspection of 1899 was 229,334, which includes also widowed and divorced women. The distribution by industries was as follows:

DISTRIBUTION OF MARRIED WOMEN WORKING IN GERMAN FACTORIES.

Mining, quarrying, salt works, etc.....	1,333
Pottery, glass trades, etc.....	19,475
Metal workers.....	10,739
Machinery and apparatus.....	4,493
Chemicals.....	4,380
Soap, oil, varnish, etc.....	1,163
Textiles.....	111,194
Paper trades.....	11,049
Leather.....	2,063
Wood working.....	5,635
Food, tobacco, liquors.....	39,060
Clothing.....	13,156
Building.....	141
Printing, binding, etc.....	4,770
Other trades.....	664
	<hr/>
	229,334
	<hr/>

The predominance of the textile industry among this class of workers is clearly shown; next follows the industries that yield food products, cigars and liquors and then the pottery and glass trades, while the clothing trades take only fourth rank.

This is the only summary for the entire Empire which the report contains; all further particulars relate to the several inspection districts. But the following information may very likely be typical of Germany as it pertains to the district of Berlin and Charlottenburg, where the number of women and girls employed in factories is of course unusually large. The total number of married women employed in the factories of this district at the beginning of 1899 was 8,029—or about 18 per cent of all women over 16 so employed. Of these 8,029 women, 2,659 worked in clothing factories, 1,295 were employed in the paper trades, and

1,104 in the textile trades. Among the 3,193 women interrogated by the inspectors, 60.3 per cent were living with their husbands, 20.4 per cent were widows, and the rest were either separated from or had been abandoned by their husbands.

Some 44 per cent of the women questioned gave the lack of a breadwinner as the reason for their working in factories. These included the widows, the women separated from or abandoned by their husbands, and a small number whose husbands could not be regarded as breadwinners by reason of sickness, of their neglect to obtain work, or of their drinking habits. About 30 per cent of the women gave as their reason for engaging in factory work the fact that, although their husbands were earning money, yet the amount of their earnings was insufficient to support the family. The majority of the husbands in these cases were found to be unskilled men, earning on an average 19.5 marks (\$4.64) per week. (The average earnings of married women working in factories in this district is given as \$3 a week.) Fifty per cent of the women had children to support, the number of children per mother being on the average 1.6. Only 14.8 per cent of the children were stated to contribute to the household expenses.

It is stated that in this district the average amount paid for rent was \$4 a month (this amount being reckoned after deduction of any rent received from lodgers); the accommodation usually obtained for this money consisted of one larger and one smaller room.

With respect to the duration of the regular working day, the large majority of the women in the Berlin district, whose hours of labor are given (937 out of 1,430), worked from 9 to 10 hours per day, exclusive of intervals. As illustrating the manner in which the employment of married women in factories interferes with family life, the Berlin inspector states that of 2,193 married women, 62 per cent went without their chief meal until the evening, with the result that in most cases both mothers and children were insufficiently nourished throughout the day. It is also stated that of 732 children under the age of 12 years in one sub-district, no less than 31 per cent were left at home without any one in charge of them during the mother's absence. Similar facts are stated to exist also in the other sub-districts.

Tenement House Workers in Austria.

The Austrian Bureau of Labor Statistics has published a 120 page report on the sweating system in Austrian cities (*Die Wohnungs- und Gesundheitsverhältnisse der Heimarbeiter in der Kleider- und Wäscheconfection*). The number of households embraced in the report is 409; the number of workers to a household varies considerably but the typical household contains five or six workers. One of the surprising facts which indicate the difference between European and American conditions is the relative permanency of residence; thus of the 409 households, all but 53 had occupied the apartments then used for more than a year and 156 for more than five years. Nearly all of the workers were married. The weekly earnings apparently averaged about 20 crowns (\$4), but among three-tenths of the workers were supplemented by income from other sources (earnings of children, rents from lodgers, etc.). As in New York tenements the crowding of sleeping rooms by lodgers and family members of different sexes is an evil, about ten per cent of all occupants of sleeping rooms being thus situated.

Miscellaneous.

The Belgian *Office du Travail* has begun the publication of a series of reports upon the wages paid in the industries of Ghent. The first volume, containing over 800 pages, treats exclusively of the cotton industry. For the sake of comparison it gives also data concerning wages in the cotton industry of other countries, including the United States.

The May Bulletin of the United States Department of Labor contains extended accounts of "Labor Conditions in Porto Rico" and of "Social Economics at the Paris Exposition," and a summary of the new Workmen's (Accidents') Compensation Act of Holland. It also contains extensive quotations from the latest official publications on strikes and lockouts in Great Britain, France, Germany and Austria.

The Massachusetts Labor Bulletin for February contains articles on "Occupations of Residents of Boston," "Unemployment in Boston Building Trades" and "Comparative Earnings in Five Leading Industries of Massachusetts" (cotton goods, woolen goods, boots and shoes, leather, metals and machinery)

in 1885, 1895, 1898 and 1899. The May Bulletin contains a study of "Social Statistics of Working Women."

The Austrian Bureau of Labor Statistics in a recently published pamphlet of 53 pages has given a sketch of its work since its establishment in 1898. Besides its monthly journal, the *Sociale Rundschau*, and its annual reports on strikes and lock-outs, it has published the results of an industrial census of Austria and numerous special reports. Its library at the close of 1900 contained about 4,000 books and pamphlets.

Hebrew-American Typographical Union No. 83 of New York City, by the terms of its new agreement with the employers, dated April 15, 1901, has secured an advance in the scale of prices to be paid in the future of from eight to twenty per cent. The first section of the new scale provides that \$18 per week, instead of \$15, shall be the minimum rate for the head make-up in each shop, and that eight hours shall constitute a day's work. Section 3 declares that \$13 per week, instead of \$12, shall be the minimum rate for operators of type-setting machines and that four hours shall constitute a full day's work. There is also an increase of ten cents per hour on all machine work done after 5 o'clock p. m.

AGREEMENTS.

Albany Bricklayers and Masons.

Until this year such annual agreements as have been made between the bricklayers and the contractors in Albany have been merely verbal. In 1901 a written agreement was entered into which is to regulate the conditions of employment from May 1, 1901, to May 1, 1902. The text of this agreement is reprinted below:

It is hereby agreed by the **Mason Builders' Association** and the **Bricklayers', Masons' and Plasterers' Union No. 6, of Albany, N. Y., Members of the International Union:**

Section 1. That the wages of members of Union No. 6, of Albany, N. Y., shall be fifty cents per hour. Eight hours shall constitute a day's work. The hours of labor shall be from 8 A. M. to 5 P. M., with one hour for dinner.

Sec. 2. The Union shall not order any strike against the contractors of Albany, N. Y., nor shall any number of union men leave the works of any contractor before the matter in dispute is brought before a joint arbitration committee for settlement.

Sec. 3. No member of Union No. 6, of Albany, N. Y., shall be discharged for inquiring after the cards of the men working upon any job of the contractors, or for seeing that the rules of the union are lived up to; nor will the business agent be interfered with when visiting any building under course of construction.

Sec. 4. Except in case of extreme necessity no work shall be done between the hours of 5 and 6 P. M., and all overtime shall be double time, at the rate of \$1.00 per hour. Overtime means, nights, Sundays and holidays (4th of July, Labor Day and Christmas). Where there is a contract to be finished in a time limit, where two or more shifts are required, overtime shall be seventy-five cents per hour.

Sec. 5. Each member of the Union shall be provided with a kit of tools, consisting of a trowel, plumb rule, two-foot rule, level, brick hammer, sharp chisel and 100 feet of Masons' line. Stone Masons and Plasterers shall have a proper set of tools.

Sec. 6. The members of Union No. 6 shall not be allowed to do any contracting, and where the members of Union No. 6 work for owners, agents, or other than general contractors and builders, they must charge the same as the Mason Builders' charge for masons' labor and material.

Sec. 7. The members of Union No. 6 shall be paid every week on the job, on Saturday, on or before 5 P. M.

Sec. 8. There shall be an arbitration committee elected each year by the **Mason Builders' Association** and the **Bricklayers', Masons' and Plasterers' Union No. 6, of Albany, N. Y.,** consisting of five members from each organization, who shall have the power to settle all differences arising between the two organizations.

Sec. 9. The arbitration committee shall meet at the call of the chair on either side, and on the first Thursday in December shall hold a special meeting for the consideration of the yearly agreement, which must be signed on or before January 1st, to take effect May 1st, each year.

For the Mason Builders' Association:

And. S. Delehanty, Pres.; Jas. M. Shattuck, Sec'y; Thos. A. Gallagher, J. J. Kelly, G. D. Burdick, Lawrence Steffens, Henry Fisher & Bros.

For B. & M. I. U. No. 6, N. Y.:

Stephen A. Smith, Pres.; Jos. W. Yorke, Cor. Sec'y; Martin Kelly, Jas. J. Devine, Geo. Reed, Earley Reed, H. W. White.

Kingston Bricklayers and Masons.

It is mutually agreed to by the Mason Builders, of Kingston, N. Y., and Bricklayers' and Masons' Union No. 14, of Kingston, N. Y., members of the Bricklayers' and Masons' International Union:

1. That the wages of the Bricklayers, Masons and Plasterers from May 1st, 1901, to May 1st, 1902, be 38 cents per hour, eight hours, six days in the week, and that the hours of labor be from 8 A. M. to 5 P. M., with one hour for lunch, except in the fall and winter months, when the hours of labor be from 8 A. M. to 4.30 P. M., with one-half hour for lunch.

2. Except in cases of extreme necessity, no work shall be done between the hours of 5 P. M. and 8 P. M. All work between the hours of 5 P. M. on Saturday and 8 A. M. on Monday, and on Memorial Day, Fourth of July, Labor Day and Christmas Day shall be paid for at double time. All work done between 5 P. M. and 8 A. M. on all other days of the week shall be charged for as time and a half. The Union shall determine what is emergency work, for which no extra time shall be charged over and above the regular hourly rate established.

3. The Mason Builders are to recognize and employ only Union men, and the members of Union No. 14 bind themselves to at all times pay strict attention to contemplated builders by using every means and influence through committee or otherwise, to prevail upon such parties to recognize none but Union contractors. The contractors shall assist all in their power to carry out this policy.

4. That no member of the Union shall be discharged for inquiring after the cards of the men working upon any job of a Mason Builder, nor shall the Deputy or Secretary be interfered with when visiting any building under construction. Further, trouble occurring upon any job, Union men shall confine themselves strictly to such job and shall not congregate, interfere or interview any members upon another contractor's work during working hours, except as herein provided.

5. That the Bricklayers, Masons and Plasterers be paid every two weeks, before 4.30 P. M., Saturday, unless some satisfactory reason be given, paytime to close Friday of every other week.

6. That no laborer be allowed to do any Mason work in any shape, way, form or manner.

7. 1st. The Union, either collectively or individually, shall not order any strike against the Mason Builders, nor shall any number of Union men leave the works of a Mason Builder before the matter in dispute is brought before a Joint Arbitration Committee for settlement, provided the same is settled within forty-eight hours.

2d. That the Arbitration Committee meet on the fourth Thursday of every month or at the call of the Chair on either side, and that the first Thursday in February be a special meeting for the consideration of the yearly agreement, which must be signed on or before April 1st, to take effect from May 1st to May 1st.

3d. That if any dispute arises concerning this agreement, the matter shall be referred to the Joint Arbitration Committee, consisting of five Mason Builders and five members of the Union, they to decide how the matter is to be settled.

Melvan Freer, E. O. Van Aken, A. E. Doyle, Olle Orispell, J. E. Van Keuren, Arbitration Committee, No. 14, N. Y.

W. S. Green, Darling Brothers, Robert Watson & Son, S. W. Doyle, Joseph Volk, Jr., Campbell & Dempsey, Henry J. Myers, Homer Burger, Union Mason Builders.

Approved by the Board.

(L. S.)

WM. DOBSON,
Sec. B. & M. I. U.

Kingston, N. Y., April 15, 1901.

New York, Manhattan, Hebrew Compositors.

Articles of agreement made and entered into this 15th day of April, 1901, by and between the Hebrew-American Typographical Union No. 83, an organization located in the city of New York, party of the first part, and ———, publisher, party of the second part, as follows:

First. The party of the first part hereby agrees to and with the party of the second part to furnish to the said party of the second part all the compositors, typesetting machine operators, make-ups, etc., which said party of the second part may or will require for the purpose of issuing or publishing newspapers or any other publications, or printed matter to be published by it; and it is understood by and between the parties hereto that all the men furnished by the said party of the first part shall be competent and skillful in the respective branches of their employment.

Second. And the said party of the second part in consideration of the above mentioned premises, agrees to and with the said party of the first part, to employ none but members in good standing of the party of the first part.

Third. And it is further agreed by and between the parties hereto, that the party of the second part shall and will truly pay to the employees furnished by the said party of the first part as aforesaid, the prices set forth in the scale of prices adopted by the said party of the first part on the 13th day of December, 1900, and annexed to this agreement and made a part of it. And it is also agreed that the employees furnished by the party of the first part to the party of the second part shall be paid weekly, all they may and will have earned for that week.

Fourth. And it is further agreed and understood by and between the parties hereto, that the party of the second part shall not discharge the employee or employees furnished by the said party of the first part as aforesaid, unless either there will not be enough work for all the men, in which event the last employed shall be discharged first, or on a charge duly submitted to the party of the first part and found after investigation by said party of the first part to be justified.

Fifth. And it is further agreed by the parties hereto, that all duly accredited officers and committees of the said party of the first part shall at all times have free access to the composing room of the party of the second part.

Sixth. And it is further agreed and understood by the parties hereto, that this agreement shall be in full force for the term of one year from its date.

SCALE OF PRICES FOR MACHINE OFFICES, HEBREW-AMERICAN TYPOGRAPHICAL UNION NO. 83, INTERNATIONAL TYPOGRAPHICAL UNION. (ADOPTED DECEMBER 13, 1900.)

1. The head make-up shall receive not less than \$18 per week; eight hours shall constitute a full day's work.

2. Compositors working at the case in a machine office, setting ads., etc., shall receive not less than \$15 per week; eight hours shall constitute a full day's work.

3. Operators of type-setting machines shall receive not less than \$13 per week; four hours shall constitute a full day's work.

4. Learners on machines shall receive not less than \$14 per week; eight hours shall constitute a full day's work, of which there shall be four hours' work at the machine and four hours' work at the case.

5. All work done on machines in excess of eight hours between the hours of 7 a. m. to 5 p. m. shall be charged till 6 p. m. at the rate of sixty-five cents an hour and all work done after that hour shall be charged at the rate of seventy-five cents per hour.

Provided, however, that in offices where three sets are steadily employed no overtime shall be charged till 7 p. m., and in such cases the workday shall be between 7 a. m. and 7 p. m.

6. Learners on machines, and compositors working at the case, setting ads., etc., shall receive for overtime fifty cents an hour. Six hours of work at night shall constitute a full day's work.

7. Operators must be taken to the machine from the case, according to the priority law of the union.

8. The time for learning to operate a type-setting machine shall not exceed two months, the standard of competency to be 2,000 ems in four hours.

9. Three hours' work on the machine after 6 p. m. shall be considered a full day's work.

10. The machine-tenders shall be members in good standing of the International Typographical Union.

11. No paper shall use any composition, stereotype plates or electrotypes of reading matter or advertisements which have been taken from another paper, unless said paper belongs to the same proprietor and is published in the same establishment. The mall list, when set by hand, and all changes and corrections of the same, whether set by hand or on machine, shall be done by members of the Hebrew-American Typographical Union No. 83.

12. No newspaper machine office shall accept work from any publisher who has, or has had, his work done in an office under the jurisdiction of Hebrew-American Typographical Union No. 83, and also shall do no composition for any newspaper or periodical.

DECISIONS OF NEW YORK COURTS.

Municipal Corporation Liable for Overtime Wages Under the Eight Hour Law.

The Appellate Division, First Department, at its April term affirmed the right of 797 drivers in the street cleaning department of New York City to recover \$1,336,000 for extra work performed by them in working more than eight hours a day between January 1, 1892, and April 26, 1894. What bearing the decision has upon the present eight-hour law is largely conjectural, as it was made under the eight-hour law of 1870 and did not, therefore, touch upon the right of the Legislature to require municipalities to observe eight hours as the maximum day's work for its employees. Chapter 385 of the Laws of 1870 fixed eight hours as a "legal day's work for all classes of mechanics, workingmen and laborers, excepting those engaged in farm and domestic labor," and specifically included such classes employed by the State or any municipal corporation; but it permitted over-work for an extra compensation by agreement between employer and employee.

Former Supreme Court Justice Bookstaver as referee found for the plaintiff Patrick J. McNulty, who brought the action against the city of New York as assignee of the claimants. The court, through Justice O'Brien, affirmed the referee's judgment, but gave leave to the city to carry an appeal to the Court of Appeals, which has recently heard the arguments.

Justice O'Brien says that the city's contention that the labor law has no application to the Street Cleaning Department is untenable, for the reason that the act itself is a general one, and by its express terms is made applicable to those who at that time or thereafter should be employed by the State or by a municipal corporation. "And equally untenable," continues the justice, "is the further contention that drivers in the Street Cleaning Department are not mechanics, workingmen or laborers, for no extended argument is required to prove that a driver is either a workingman or a laborer within the wording of the statute."

"Coming, therefore, to the facts presented herein, we think upon the testimony adduced and the stipulation of the defendant that there can be no serious question but that the conclusions reached by the learned referee are sustained, that the assignors of the plaintiff worked the number of hours overtime, that this was done by the direction of the head of the Department and that the drivers expected to be paid for such overtime. It is insisted, however, that though these facts be conceded, the city is not liable for labor beyond the statutory time because payment therefor was not expressly provided in the contract of employment. But this contention has been disposed of in the case of *McCarthy v. Mayor* (96 N. Y. 1), where the Labor Law was discussed and where, after showing that the city would be liable under an express contract to pay extra compensation for overtime, the court on the subject of the liability arising from an implied contract thus states the rule: 'Such an implication arises only where the services are rendered under circumstances authorizing an expectation of compensation therefor, or the inference that they would not otherwise have been rendered. * * * The distinction between an express and an implied contract is that the first is proved by an actual agreement and the other by circumstances and the course of dealing between the parties.'

"The question presented for the determination of the referee, therefore, upon the theory of an implied contract was whether the services were 'rendered under circumstances authorizing an expectation of compensation therefor, or the inference that they would not otherwise have been rendered.'

On this point also the court sustains the ruling of the referee. The commissioners who were the heads of the department when the services are claimed to have been rendered were called before the referee and in substance testified that during their tenure of office they deemed it necessary and essential for the proper administration of the department to work the drivers overtime each day, that is, over the statutory time of eight hours. One of the commissioners stated: "The performance of the work was necessary in order to keep the streets in proper condition, and that continued during all the period of my commissionership; the route traveled over by each of the drivers could not have been cleaned within the statutory period of eight hours a day during that period with the force I then had at my command. The drivers were entitled to be paid for such extra work or overtime," and the reason they were not paid was "because of lack of appropriation."

The remainder of the opinion is interesting chiefly to citizens of the municipality as it deals with the power of heads of departments to create liabilities "apparently without limit."

Justice O'Brien then quotes section 47 of the Consolidation Act, which provides that city officers shall so regulate their expenditures that the same shall not in any one year exceed the amount appropriated, "and no charge, claim or liability shall exist or arise against said city for any sum in excess of the amount appropriated for the several purposes."

"That this section," (says Justice O'Brien,) "has been evaded and that it furnishes no safety to the city seems certain, if the action of the Commissioners in creating the liability which they admit could not be paid out of their appropriation is to be sustained. The effect and bearing of this section, however, is not before us, because not pleaded, and while it is natural that we hesitate in affirming a judgment for such a large amount and which, as a precedent, might furnish encouragement for any head of a department to evade the provision of law which was intended to prevent expenditures beyond the amount appropriated for the department, still upon the pleadings and the proof before us, we see no escape from the conclusion reached by the referee, and must, therefore, affirm the judgment."

Invalidity of Contract for Public Work Containing Provisions of Prevailing Rate of Wages Law.

As a result of the decision of the Court of Appeals that the prevailing rate of wages law is unconstitutional (see BULLETIN No. 8, p. 45) the Appellate Division of the Supreme Court in the First Department at its March term rendered a decision declaring that the insertion of the provisions of that law in the contract for the new East River bridge in New York City vitiates that contract.

The contract for the construction of the bridge required the payment of the prevailing rate of wages, and that preference in employment should be given to the citizens of the State of New York, and that no workmen should be allowed to work more than eight hours in one calendar day, in accordance with the provisions of the Labor Law. In an action brought by Julius Meyers against the City of New York and the bridge commissioners under the law of 1892 and section 1925 of the Penal Code, to prevent waste of the public money, it was alleged that the above provisions, among others, of the contract would result in such waste. An interlocutory judgment of the Supreme Court was given sustaining a demurrer to the complaint, when the case was taken on appeal to the Appellate Division, which overruled the demurrer, Presiding Justice Van Brunt and Justice Patterson dissenting.

The complaint had alleged that the provisions of the Labor Law inserted in the contract were unconstitutional and illegal, and this the court pointed out must be conceded as having been settled by the highest court in the State in the case of *People ex rel. Rodgers v. Coler*, 166 N. Y., 1. It was claimed on the other side, however, that the bridge commissioners, having unrestricted power to contract, were at liberty to insert these provisions in the contract if they saw fit to do so. This the court denies on the ground that at the time the proposals for the contract were made it was supposed that those provisions were constitutional and as to them "the commissioners had no unrestricted power, because the statute (Laws of 1899, chap. 567) expressly required that they should be inserted in every contract for public work thereafter made, and it must be assumed that the bridge commissioners, when they imposed these restrictions upon the contract, did not do so of their own free will, but because the statute then in force, and supposed to be valid, in fact compelled them to do so."

The complaint had also alleged, and this was admitted by the demurrer, that the insertion of the provisions in question tended to increase the price of the work by compelling the contractor to pay higher wages than he would have had to pay without them. "Therefore," said the court, "we have this condition of affairs, that the law imposed upon the bridge commissioners the duty of requiring that their contractors, as a condition of making the contract to do work upon the bridge, should agree to pay the prevailing rate of wages and employ only citizens of the State of New York; that the law compelling such requirements is unconstitutional; that the effect of it is unduly to increase the price necessary to be paid, and it necessarily follows, as it seems to me, that the insertion of any requirement in the contract which unduly increases the price to be paid for the work operates as a waste of the public money" (*Julius Meyers v. The City of New York and others*, 58 Appellate Division, 534).

Denying Writ of Mandamus to Compel Municipal Corporation to Pay Contractor Who Had Violated the Labor Law.

An action similar to the famous case of *Rodgers v. Coler*, in which the Court of Appeals determined the unconstitutionality of the prevailing rate of wages law, was brought against Comp-

troller Coler by Eugene Lentilhon, a contractor, who sought a writ of mandamus requiring the comptroller to draw a warrant for money alleged to be due him for work performed in removing the Forty-second street reservoir under contract with the city. Upon the court denying his motion for mandamus, he appealed to the Appellate Division, First Department, which at the April term affirmed the judgment of the inferior court.

The refusal of the comptroller to issue warrants was based on the ground that Lentilhon had failed to comply with the provisions of the contract containing the Labor Law of the State, namely, (1) that he compelled or permitted his employees and those performing the work in question, under his supervision and control, to labor more than eight hours a day; and (2) that he had not paid his mechanics, workmen and laborers the prevailing rate of wages, as required by the said Labor Law.

The court, through Justice McLaughlin, followed the authority of *Rodgers v. Coler* in holding that "there is no force in the objection that the contractor has not paid his 'mechanics, workmen and laborers the prevailing rate of wages'"; but decided that from the record the plaintiff did not have a clear legal right to the amount claimed and should therefore under the rule laid down in *People ex rel. Rolf v. Coler* (58 App. Div., 131) be remitted to the ordinary action for collecting debts.

"It is difficult to see why the city of New York, which has the absolute control of its own property, had not the legal right to contract with the relator as to the number of hours which should constitute a day's labor, or the maximum number of hours which a laborer should be employed in one day, and why it has not the legal right in this respect to insist upon the relator's performing the contract in this respect, or in default thereof, subject himself to the penalty therein provided, according to the letter and spirit of the contract.

"Whether there shall be force in this suggestion or not it certainly is not entirely clear that the city has no defense to the claim and for that reason the application was properly denied. Mandamus is not the usual proceeding for the collection of a debt. It is only where, upon both the facts and the law, it clearly appears that there cannot be a defense to the claim that the Court will exercise its discretionary power by compelling the payment of a debt in advance of a judgment obtained after a trial had in the regular way."

The case was appealed and was argued before the Court of Appeals June 3d.

Right of Refusal to Work With Non-Members of Union.

In the BULLETIN for March, 1900 (vol. 1, p. 59) account was given of the successful suit of Edward Wunsch, a machinist and members of a machinists' union, against Buffalo Typographical Union No. 9, because of the loss of his position through the refusal of the members of the typographical union to work with him unless he joined said union. The Supreme Court, Part I, in which the case was tried, decided that, as a matter of law, a cause of action had been established and left to the jury only the question of the amount of the damages. This decision has now been reversed by the Appellate Division, Fourth Department, March Term (59 App. Div., 482). The unanimous decision as set forth in the brief opinion given, was based on precisely the same grounds as that rendered in the First Department in *National Protective Ass'n v. Cummings* (53 App. Div., 227; see BULLETIN, vol. 2, p. 237). The court held that the principles laid down by the first department were applicable to the case in hand and saw no reason to disagree with or criticise that court's conclusions. The right of members of a trade union to refuse to work with non-members is thus again sustained.

Injunction Covering Issuance of Warning Circulars Against Boycotted Firm.

About the middle of March last a dispute arose between James Everard's Breweries and local Union No. 59, United Brewers' Association of Greater New York, the point at issue being the unionizing of said breweries. In the course of the dispute the union instituted a boycott against all Everard liquors, and on April 26th the company applied to the New York Supreme Court for an injunction to restrain the union from interfering with its business. The complaint asked in particular that the union and its agents or representatives be enjoined from "printing, publishing, circulating or distributing" certain circulars quoted in the complaint "or any circulars whatever referring to or reflecting upon the plaintiff, its business or its methods of business, or its conduct with relation to its employees or the goods manufactured, sold or delivered by it or any part thereof;" and from "congregating or assembling in front of or near the entrances to or in or about the vicinity of or in close proximity to the plaintiff's place of business, or that of any of the customers of the plaintiff for the purpose of accosting, intimidating, threatening

or coercing any person whomsoever or any of the said customers of the plaintiff or any of their employees or agents into refraining from the purchase or sale of the plaintiff's goods or any of them, and that they and each of them be forever perpetually enjoined and restrained from accosting or coercing, threatening or intimidating any person upon the public highway or elsewhere for the same or any similar purpose." The circular referred to above contained only the declaration that the company had "locked out all their union help and declared their firm non-union" and appealed to "every friend of labor to refuse to patronize any saloon where Everard's ale, porter and lager beer are sold."

On April 27th Justice McAdam granted the injunction covering all the points asked for in the complaint, with an order to show cause why the injunction should not be continued. When this original order was returned, however, it was modified in several respects by Justice Blanchard in an order entered May 23d. The principal difference between these two orders is that while the original order restrained the union from "printing, publishing, circulating or distributing" any of the circulars referred to above, the order signed by Judge Blanchard expressly eliminated this point in the following words:

Nothing in this order contained shall be construed to prevent the defendants or either of them, their agents and representatives from issuing and distributing the circular set forth in the complaint and injunction order of April 27, 1901, in a peaceable and orderly manner unaccompanied by threats, violence or intimidation of any kind.

Another point of divergence may be noted in that while the first injunction was so worded as to enjoin the union from "congregating, meeting or assembling" in the neighborhood of the plaintiff's place of business or the places of business of his customers "for the purpose of accosting * * any person whomsoever or any * * customer of the plaintiff or any of their employees or agents" in order to dissuade them from the purchase, sale or delivery of the company's goods the second order expressly declared that it did not prevent the defendants "from accosting the plaintiff's employees or customers and the patrons of plaintiff's customers in a peaceable, orderly and decent manner for any purpose whatever."

Validity of Trade Union Constitutions and By-Laws.

A decision of the Appellate Division of the Supreme Court, First Department, given in December, 1900, applied to the case of a trade union the rule in regard to voluntary associations "that the constitution and by-laws are the sole rule that governs the relations between the association and its members, and that the courts cannot redress any action of the association in expelling or punishing a member, when such action has been taken in accordance with the express provisions of the constitution and by-laws." The case in hand was that of *Austin v. Dutcher*, Austin having been a member, and Dutcher being president, of New York City Division, No. 105, of the Grand International Brotherhood of Locomotive Engineers. The constitution of the association authorized the expulsion of members for disgraceful conduct, and required that charges be made in writing and referred to a committee, which should furnish accused with a copy thereof, and notify him to appear for trial. Austin was charged in writing with theft, and a committee appointed, which served a copy of the charge on him, and notified him that the committee would present its findings at a certain time, and requested him to be present. The committee reported to him at this meeting and the charges were presented, and oral and written statements of facts made. Austin then requested, orally and in writing, that he be given a copy of the charge and a bill of particulars and asked for time to make a defense, but he did not deny knowledge of the charge or assert his innocence. His requests were refused and he was expelled. Austin thereupon brought action for his reinstatement as member of the association, but the complaint was dismissed at the trial and this judgment was unanimously affirmed by the Appellate Division on the ground that the rule above quoted applied in all particulars to the case. (67 N. Y. Supl., 819.)

Employers' Liability.

[Final decisions of the Court of Appeals and Appellate Division.]

NEGLIGENCE.—In a suit by Frank Kiras against the Nichols Chemical Company the Supreme Court awarded judgment in favor of the plaintiff. Upon appeal, the Appellate Division in the Second Department at the March Term unanimously affirmed

this judgment. The details of the case and the grounds for affirmation of the decision of the lower court are set forth in the following summary by the official reporter (59 App. Div., 79):

In an action brought to recover damages for personal injuries sustained by the plaintiff while in the employ of the defendant, a smelting company, it appeared that in the course of the business hot semi-liquid slag or dross was dumped on marshy ground adjoining the defendant's premises; that the action of the tide was liable to cause cracks to open in the hardened slag and to expose the water, and that if the hot slag were suddenly dumped into such a crack an explosion would occur, but that it might be emptied slowly into the cracks without danger. The dumping ground was in charge of a foreman whose duty it was to direct the men where to dump and to keep the ground in good condition. On the night of the accident this foreman directed the plaintiff, who was a member of the night gang, to dump slag in a certain place, and while obeying this direction the wheel of his buggy sank into a crack, overturning the buggy and causing an explosion which seriously injured him. The crack had opened up two or three days before the accident, but the plaintiff had no knowledge of its existence, nor was it claimed, although he had been in the defendant's employ seven or eight months, that he knew or had reason to know that an explosion would result from the sudden contact of slag with water.

Held, that a judgment in favor of the plaintiff should be affirmed;

That the accident was caused by the failure of the defendant's representative to keep in a reasonably safe condition the ground over which the plaintiff was obliged to pass in order to reach the place where he was to do his work;

That the danger was not an incident of the plaintiff's employment and did not result from the prosecution of the work.

NEGLIGENCE.—The judgment against the company, given by the Supreme Court in the case of *Irwin v. The Brooklyn Heights Railroad Co.*, was affirmed unanimously by the Appellate Division, Second Department, March Term, thus:

In an action brought to recover damages resulting from the death of a conductor on the defendant's railroad, who, while adjusting the fender at the rear of his car, was killed by a car run-

ning into him, the motorman of the colliding car, who had been in the defendant's employ about a year, testified that the accident was due to his defective eyesight, although it appeared that he could see the decedent's car, which was illuminated. He further testified that he had had two previous collisions, which were also due to the same cause, and that he had explained this fact to the inspectors or officers of the defendant.

Held, that the evidence was sufficient to support a conclusion that the motorman was not physically competent, and that the accident was caused thereby, and that the defendant could and would have discovered his condition in the exercise of reasonable diligence (59 App. Div., 95).

NEGLIGENCE—CONTRIBUTORY NEGLIGENCE.—In *Coughlin v. The Brooklyn Heights Railroad Co.* (59 App. Div., 126) judgment for the plaintiff was unanimously affirmed by the Appellate Division at the March Term in the Second Department, it being held that:

In an action brought to recover the damages resulting from the death of a conductor on the defendants' street railroad, evidence that he was thrown from the interior of the car while it was rocking from one side to the other as though about to jump from the rail; that each of three other conductors had been thrown from his car at the point where the accident occurred within one or two years before the accident, coupled with the evidence of a competent civil engineer to the effect that the tracks were dangerously out of alignment, is sufficient to warrant the submission to the jury of the questions of the defendants' negligence and of the intestate's freedom from contributory negligence.

NEGLIGENCE—FELLOW SERVANT.—The doctrine that the master of a vessel and the crew are fellow servants of the owner of the vessel found application in *Larssen v. Delaware, Lackawanna and Western Railroad Company* (59 App. Div., 202) and thereunder the Appellate Division, Second Department, March Term, unanimously sustained the Supreme Court in its dismissal of the complaint, the court holding that:

The master of a seagoing barge and a deckhand employed thereon are fellow-servants, and, in the absence of an allegation that the owner of the barge was negligent in employing the master or in retaining him in his employ, such owner is not liable for personal injuries sustained by the deckhand in consequence

of the negligence of the master in directing the deckhand to cast off a hawser, nor for any aggravation of such damages resulting from the failure of the master to procure prompt medical attendance for the injured deckhand. The liability of the owner in such a case is governed by the Maritime Law.

NEGLIGENCE—ASSUMPTION OF RISK.—The Appellate Division, Second Department, at the March Term, unanimously affirmed the decision of the Supreme Court dismissing the complaint in *Rohan v. Metropolitan Street Railway Company*. The summary of the case given by the official report (59 App. Div., 250) is as follows:

In an action to recover damages for personal injuries it appeared that the defendant maintained in its boiler room a bridge of iron lattice work suspended thirty feet above the floor, and that the platform of the bridge did not extend in one direction as far as the handrail thereof; that on the occasion of the accident the plaintiff, who was a fireman in the defendants' employ, went upon the bridge to regulate a valve, and that in so doing he was scalded and the room became darkened from vapor; that he then attempted to crawl on his hands and knees along the platform of the bridge towards the ladder by which he had ascended and fell over the end of the platform. It further appeared that the part of the platform from which the plaintiff fell, which was about twelve feet beyond the ladder, was never used by any of the defendant's employees, and that there was no occasion to foresee that anyone would go there for any purpose; that the plaintiff had been employed in the boiler room for four years, and that the construction of the bridge was perfectly apparent both from the floor of the room and from the platform itself.

Held, that the plaintiff assumed risks which were known or which were obvious to persons of ordinary intelligence, and could not recover damages for the injury.

DUTIES OF EMPLOYERS AND EMPLOYEES.—In affirming the judgment of the Appellate Division, First Department, in the case of *Quigley vs. Levering*, the Court of Appeals on April 30 rendered a decision touching several points connected with employers' liability, as follows:

1. *Master and Servant*—When Negligence of Foreman that of a Fellow-Servant.—A foreman in a shop, whose duty it is to see

that a trolley employed for the transportation of iron plates to and from a punch, and running on a traveler built in sections to permit its being shifted to other parts of the shop, is cleaned and oiled, is not, as to such duty, a vice-principal, but the fellow-servant, of a shop laborer killed by the trolley running off the traveler when a drop bar, used to prevent the working and running off of the trolley whenever the continuity of the track was broken by the shifting of any section of the traveler, failed to operate solely because of the foreman's failure properly to clean and oil it, since cleaning and oiling are not the work of a master but of a servant.

2. *Master's Duty as to Inspection of Machinery.*—The duty of a master to inspect such a device does not extend to the cleaning and oiling thereof, which are mere details of the work, but is confined to the condition of the machinery with reference to defects or want of repairs.

3. *Negligence of Fellow-servant.*—A master is not liable for the death of a servant caused by a trolley running off its traveler because of a drop bar, constructed to prevent its operation and running off whenever the continuity of the track was broken by the shifting of any section of the traveler, failed to work, where the mechanism was neither defective nor unsafe, but the accident resulted from the negligence of a fellow-servant, who set the mechanism in motion without first looking up to see if everything was all right, as warned and required to do by the rules and instructions of the master, and without noticing the shifted section which was in plain sight near by.

4. *Master's Duty as to Appliance.*—A master who supplies an appliance which, when properly cared for, is safe for the purpose of preventing a trolley from running off a traveler when any section of the traveler is shifted and no notice of intent to do so is given, even if it be assumed that there was a standard article in general use for the purpose, is not negligent in failing to procure it. (167 N. Y., 58.)

FELLOW-SERVANT.—A decision of May 10th by the Court of Appeals in the case of Hallett vs. N. Y. C. & H. R. R. Co. (167 N. Y., 15), brought out three different opinions by members of the Court on the fellow-servant question which was the chief point at issue in the case, the matter being on appeal from the

Appellate Division in the First Department where a judgment by the lower court in favor of the defendant had been affirmed.

The facts in the case were these: The plaintiff's intestate, a locomotive engineer in the employ of the defendant, was killed by his train running into an open switch. At the time of the accident the Western Union Telegraph Company was engaged in stringing telegraph wires along the line of the defendant's road and that of the Boston & Albany Railroad Company. The telegraph company had a push car, by which it moved materials from point to point, placing the car on convenient sidings. When the working party, after doing work along the Boston & Albany road, had reached a point where work on the Central road was to begin, the telegraph company's foreman notified the train dispatcher of the Central road that he was about to commence work and requested "that a man be detailed to protect the tracks." The dispatcher thereupon sent to the working party one Miller, who was in the general employ of the defendant as a brakeman. Miller was paid by the telegraph company and received all his orders from it during his services with its workmen. He had the key of the switches and was the only person who could open or close them. On the occasion of the accident the push car had been run in on a siding and Miller had neglected to close the switch, the train of which the plaintiff's intestate was engineer ran into the siding, collided with a car thereon, was derailed and the engineer killed. There was no question but that Miller's negligence caused the accident. The only question was whether he was a co-servant of the engineer so as to relieve the defendant of liability.

The lower court had held that Miller was an employee of the railroad company and hence a co-servant of the engineer. The Court of Appeals reversed this decision by vote of four to three. Three judges held for reversal on the ground that Miller was for the time being in the employ of the telegraph company and so could not be a co-servant of the engineer. A fourth judge held that Miller must be considered an employee of the railroad company, but concurred in the reversal on the ground that Miller was not a co-servant of the engineer, like an ordinary switchman, but held a position *sui generis* as the defendant's sole representative responsible for "regulating the movements of the

telegraph company's car so as to enable the defendant company to continue in the discharge of its duty to furnish a safe place in which its engineer and other trainmen might work." The three dissenting judges held that Miller was performing the work of switchman for the railroad and hence was a co-servant of the engineer.

MASTER AND SERVANT—ASSUMPTION OF RISK.—The suit of *McGuire vs. Bell Telephone Company* was finally decided by the Court of Appeals on May 17 in favor of the plaintiff, the judgment of the Appellate Division in the Fourth Department being thereby affirmed. It was held:

That the fact that a defective pole used by a telephone company as part of its permanent plant was not owned by it, but was used by permission or license of another company, does not relieve it from its duty to a lineman to have had such pole inspected, when his duty did not require that he should inspect it himself, or from liability to him if injured while tightening wires thereon, in consequence of the failure to make such inspection.

The fact that the lineman knew that the pole did not belong to the telephone company does not relieve the latter from liability where he is not chargeable with notice that the pole was used under an arrangement with the company owning it by which his employer did not have the right to inspect or repair it and the owner of the pole was under no obligation to do either, and he does not assume the risk of such a situation. (167 N. Y., 208.)

NEW YORK LABOR LAWS OF 1901.

Creating a Department of Labor.

CHAPTER 9.

AN ACT to create a department of labor and the office of commissioner of labor, and abolishing the offices of commissioner of labor statistics and factory inspector, and the state board of mediation and arbitration.

Section 1. Department of labor and office of commissioner of labor created.—A department of labor and the office of commissioner of labor are hereby created. Within twenty days after this act takes effect, the governor, by and with the advice and consent of the senate, shall appoint a commissioner of labor, who shall hold his office until January first, nineteen hundred and five. A successor to such commissioner shall be appointed in like manner and shall hold his office for a term of four years, beginning on the first day of January of the year in which he is appointed. Such commissioner shall be the head of such department and receive an annual salary of three thousand five hundred dollars.

Sec. 2. Offices abolished; powers of commissioner of labor.—The offices of commissioner of labor statistics and factory inspector, and the state board of mediation and arbitration, shall be abolished upon the appointment and qualification of such commissioner of labor. The commissioner of labor shall have the powers conferred and perform the duties imposed by law upon the commissioner of labor statistics and the factory inspector.

Sec. 3. Deputy commissioners.—The commissioner of labor shall forthwith upon entering upon the duties of his office appoint and may at pleasure remove, two deputy commissioners of labor to be designated respectively as the first and second deputy commissioners of labor, each of whom shall receive an annual salary of two thousand five hundred dollars. Upon the appointment of such deputies the offices of the assistant factory inspector, deputy commissioner of labor statistics, and chief clerk of the commissioner of labor statistics are abolished.

Sec. 4. Bureaus of department.—The department of labor shall be divided by the commissioner of labor into three bureaus as follows: factory inspection, labor statistics and mediation and arbitration. The bureau of factory inspection shall be under the special charge of the first deputy commissioner of labor, who, under the supervision and direction of the commissioner of labor shall have such of the powers conferred, and perform such of the duties imposed, by law upon the factory inspector, as shall be designated by the commissioner of labor. The bureau of labor statistics shall be under the special charge of the second deputy commissioner of labor, who, subject to the supervision and direction of the commissioner of labor shall have such of the powers conferred and perform such of the duties imposed by law upon the commissioner of labor statistics, as shall be designated by the commissioner of labor. The bureau of mediation and arbitration shall be under the special charge and supervision of the commissioner of labor, who, together with the first and second deputy commissioners of labor shall constitute a board, which

shall have the powers conferred, and perform, the duties imposed, by law on the state board of mediation and arbitration. The powers hereby conferred upon the first and second deputy commissioners shall not include the appointment of officers, clerks or other employees in any of the bureaus of the department of labor.

Sec. 5. Officers and employees.—Except as provided by this act, the deputies, officers and employees in the office of or appointed by the factory inspector, the commissioner of labor statistics, and the state board of mediation and arbitration are continued in office until removed pursuant to law.

Sec. 6. Construction.—Wherever the terms commissioner of labor statistics, or factory inspector, occur in any law, they shall be deemed to refer to the commissioner of labor, and wherever the term state board of mediation and arbitration occurs in any law, it shall be deemed to refer to the board created by this act.

Sec. 7. Pending actions and proceedings.—This act shall not affect pending actions or proceedings, civil or criminal, brought by or against the commissioner of labor statistics or factory inspector. All proceedings and matters pending before the state board of mediation and arbitration when this act takes effect shall be continued and completed before the board hereby created; and where a grievance or dispute has been submitted to the state board of mediation and arbitration, prior to the taking effect of this act, the board hereby created may make such further investigation in relation thereto as it deems necessary.

Sec. 8. Repeal.—All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 9. This act shall take effect immediately. [*Approved, Feb. 7, 1901.*]

Exempting Stationary Engineers From Jury Duty.

CHAPTER 241.

AN ACT to amend section eleven hundred and twenty-seven of the code of civil procedure by adding thereto a subdivision to be known as subdivision fourteen, in relation to the exemption from jury duty of duly licensed engineers of steam boilers actually employed as such.

Section 1. Section eleven hundred and twenty-seven of the code of civil procedure is hereby amended by adding thereto a subdivision to be known as subdivision fourteen, to read as follows:

14. A duly licensed engineer of steam boilers actually employed as such.

§ 2. This act shall take effect September first, nineteen hundred and one. [*Approved April 2, 1901.*]

*Toilet Facilities in Factories.

CHAPTER 306.

AN ACT to amend the labor law, relative to providing washrooms, and water-closets in factories.

Section 1. Section eighty-eight of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended so as to read as follows:

* Italics indicate new matter.

§ 88. Wash-room, and water-closets.—Every factory shall contain a suitable, convenient and separate water-closet or water-closets for each sex, which shall be properly screened, ventilated, and kept clean and free from all obscene writing or marking; and also, a suitable and convenient wash-room. The water-closets used by women shall have separate approaches. *Inside closets shall be maintained whenever practicable and in all cases when required by the commissioner of labor.* When women or girls are employed, a dressing room shall be provided for them, when required by the commissioner of labor.

§ 2. This act shall take effect immediately. [Approved April 9, 1901.]

*Sunday Closing of Butcher Shops.

CHAPTER 392.

AN ACT to amend the penal code in relation to the sale of or delivery of uncooked flesh foods on Sunday.

Section 1. Section two hundred and sixty-seven of the penal code of the state of New York is hereby amended so as to read as follows:

§ 267. Public traffic.—All manner of public selling or offering for sale of any property on Sunday is prohibited, except that articles of food may be sold and supplied at any time before ten o'clock in the morning, and except also that meals may be sold to be eaten on the premises where sold or served elsewhere by caterers; and prepared tobacco, milk, ice and soda-water in places other than where spirituous or malt liquors or wines are kept or offered for sale, and fruit, flowers, confectionery, newspapers, drugs, medicines and surgical appliances may be sold in a quiet and orderly manner at any time of the day. *The provisions of this section, however, shall not be construed to allow or permit the public sale or exposing for sale or delivery of uncooked flesh foods, or meats, fresh or salt, at any hour or time of the day.*

§ 2. This act shall take effect September first, nineteen hundred and one. [Approved April 17, 1901.]

† Posting of Labor Law in Factories.

CHAPTER 475.

AN ACT to amend the labor law, relating to posting of law in factories.

Section 1. Article seven of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter one hundred and ninety-one of the laws of eighteen hundred and ninety-nine, is hereby amended by adding thereto a new section to be known as section one hundred and six and which shall read as follows:

§ 106. Copy of articles to be posted.—A copy of articles five, six and seven shall be posted in a conspicuous place in each workroom of every factory where persons are employed who are affected by the provision thereof.

§ 2. This act shall take effect immediately. [Approved April 22, 1901.]

* Italics indicate new matter.

† Omitted from the revision of article VII of the Labor Law in chap. 191, Laws of 1899.

Inspection of Public Laundries.

CHAPTER 477.

AN ACT to amend the labor law, relating to public laundries.

Section 1. Article six of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended by adding at the end thereof the following section:

§ 92. Laundries.—A shop, room or building where one or more persons are employed in doing public laundry work by way of trade or for purposes of gain is a factory within the meaning of this chapter, and shall be subject to the visitation and inspection of the factory inspector, and the provisions of this chapter in the same manner as any other factory. No such public laundry work shall be done in a room used for a sleeping or living room. All such laundries shall be kept in a clean condition and free from vermin and all impurities of an infectious or contagious nature. This section shall not apply to any female engaged in doing custom laundry work at her home for a regular family trade.

§ 2. This act shall take effect immediately. [*Approved April 22, 1901.*]

Renumbering Section 91 of the Labor Law.

CHAPTER 478.

AN ACT to amend the labor law, renumbering section ninety-one thereof, relative to employment of women and children at polishing and buffing.

Section 1. Section ninety-one of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as added by chapter three hundred and seventy-five of the laws of eighteen hundred and ninety-nine, relating to the employment of women and children at polishing or buffing is hereby made section ninety-two.*

§ 2. This act shall take effect immediately. [*Approved April 22, 1901.*]

Licensing of Stationary Firemen in New York City.

CHAPTER 733.

AN ACT to provide for the licensing of firemen operating steam stationary boiler or boilers in the city of New York.

Section 1. It shall be unlawful for any fireman or firemen to operate steam stationary boiler or boilers in the city of New York, unless the fireman or firemen so operating such boiler or boilers are duly licensed as hereinafter provided. Such fireman or firemen to be under the supervision and direction of a duly licensed engineer or engineers.

§ 2. Should any boiler or boilers be found at any time operated by any person who is not a duly licensed fireman or engineer as provided by this act, the owner or lessee thereof shall be notified, and if after one week from such notification the same boiler or boilers is again found to be

* Chap. 477 also adds section 92 to the Labor Law.

operated by a person or persons not duly licensed under this act, it shall be deemed prima facie evidence of a violation of this act.

§ 3. Any person desiring to act as a fireman shall make application for a license to so act, to the steam boiler bureau of the police department as now exists for licensing engineers, who shall furnish to each applicant blank forms of application, which application when filled out, shall be signed by a licensed engineer engaged in working as an engineer in the city of New York, who shall therein certify that the applicant is of good character, and has been employed as oiler, coalpasser or general assistant under the instructions of a licensed engineer on a building or buildings in the city of New York, or on any steamboat, steamship or locomotive for a period of not less than two years. The applicant shall be given a practical examination by the board of examiners detailed as such by the police commissioner and if found competent as to his ability to operate a steam boiler or boilers as specified in section one of this act shall receive within six days after such examination a license as provided by this act. Such license may be revoked or suspended at any time by the police commissioner upon the proof of deficiency. Every license issued under this act shall continue in force for one year from the date of issue unless sooner revoked as above provided. Every license issued under this act unless revoked as herein provided shall at the end of one year from date of issue thereof, be renewed by the board of examiners upon application and without further examination. Every application for renewal of license must be made within thirty days of the expiration of such license. With every license granted under this act there shall be issued to every person obtaining such license a certificate, certified by the officers in charge of the boiler inspection bureau. Such certificate shall be placed in the boiler room of the plant operated by the holder of such license, so as to be easily read.

§ 4. No person shall be eligible to procure a license under this act unless the said person be a citizen of the United States.

§ 5. All persons operating boilers in use upon locomotives or in government buildings, and those used for heating purposes carrying a pressure not exceeding ten pounds to the square inch, shall be exempt from the provisions of this act. Such license will not permit any person other than a duly licensed engineer to take charge of any boiler or boilers in the city of New York.

§ 6. This act shall take effect immediately. [*Accepted by the city. Approved May 13, 1901.*]

TABLES

COMPRISING

RETURNS FROM LABOR ORGANIZATIONS,

FIRST QUARTER OF 1901.

- I. NUMBER AND MEMBERSHIP.
 - II. CAUSES OF IDLENESS:
 - a. NEW YORK CITY.
 - b. THE STATE OUTSIDE NEW YORK CITY.
 - c. THE ENTIRE STATE.
 - III. EMPLOYMENT AND UNEMPLOYMENT:
 - a. NEW YORK CITY.
 - b. THE STATE OUTSIDE NEW YORK CITY.
 - c. THE ENTIRE STATE.
 - IV. QUARTERLY EARNINGS:
 - a. NEW YORK CITY.
 - b. THE STATE OUTSIDE NEW YORK CITY.
 - c. THE ENTIRE STATE.
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TABLE I.—NUMBER AND MEMBERSHIP OF UNIONS.

[March 30, 1901.]

INDUSTRIES.	NUMBER OF UNIONS.			Sex.	MEMBERSHIP OF UNIONS.		
	New York City.	Remainder of the State.	New York State.		New York City.	Remainder of the State.	New York State.
I. Building, Stone Working, Etc.	176	317	493	M	59,780	31,484	81,214
Stone working.....	12	23	35	M	4,001	1,187	5,138
Brick and cement making.....	.....	8	8	M	.....	712	712
Building and paving trades.....	141	266	406	M	43,353	17,933	61,286
Building and street labor.....	23	21	44	M	12,376	1,702	14,078
II. Clothing and Textiles.....	48	87	135	M	13,378	5,276	19,154
Garments.....	34	36	70	F	3,648	3,311	6,959
Hats, caps and furs.....	6	6	12	F	11,574	1,609	13,183
Boots, shoes, gloves, etc.....	5	11	16	F	3,648	1,878	4,514
Shirts, collars, cuffs and laundry..	2	16	18	F	1,551	410	1,961
Textiles.....	1	18	19	F	.....	39	39
III. Metals, Machinery and Shipbuilding.....	89	313	302	M	15,308	16,321	32,129
Iron and steel.....	32	153	185	M	15	.....	15
Metals other than iron and steel...	17	16	33	M	6,558	13,261	19,819
Engineers and firemen.....	30	40	70	M	1,892	493	2,385
Shipbuilding.....	10	4	14	M	15	.....	15
IV. Transportation.....	43	186	229	M	10,287	22,164	32,451
Railroads.....	21	135	156	F	5	.....	5
Street railways.....	1	3	4	M	2,813	13,654	16,467
Coach drivers, etc.....	4	4	8	M	5	.....	5
Seamen, pilots, etc.....	1	1	2	M	2,700	767	3,467
Freight handlers, truckmen, etc....	16	43	59	M	845	895	1,740
V. Printing, Binding, Etc.....	29	65	94	M	400	2,000	2,400
VI. Tobacco.....	13	42	55	M	3,529	5,348	8,877
VII. Food and Liquors.....	24	78	112	M	13,889	2,991	16,880
Food preparation.....	24	35	59	M	512	865	1,377
Malt liquors and mineral waters...	10	43	53	M	4,128	3,421	7,549
VIII. Theaters and Music.....	13	20	33	M	2,344	123	2,472
IX. Wood Working and Furniture.....	26	37	63	M	5,311	4,574	9,885
X. Restaurants and Retail Trade..	14	67	81	M	3,393	2,074	5,467
Hotels and restaurants.....	8	29	37	M	1,918	2,500	4,418
Retail trade.....	6	38	44	M	7,530	1,798	9,328
XI. Public Employment.....	16	45	61	M	460	39	499
XII. Miscellaneous.....	9	76	85	M	5,900	2,762	8,662
Glass.....	3	12	15	M	.....	25	25
Barbering.....	2	27	29	M	1,168	4,765	5,933
Other distinct trades.....	4	23	27	M	226	235	461
Mixed employment.....	.....	14	14	M	656	2,290	2,946
GRAND TOTAL.....	510	1,233	1,743	M	.....	75	75
				F	512	2,475	2,987
				T	226	160	386
					5,875	1,159	7,034
					7	20	17
					689	2,945	4,573
					336	407	733
					80	1,394	1,474
					222	900	1,122
					.....	1,344	1,344
					143,682	91,160	234,792
					6,217	3,006	10,123
					149,849	95,066	244,915

TABLE II.—CAUSES OF IDLENESS: (a) NEW YORK CITY.
(March 30, 1901.)

INDUSTRIES.	Sex.	NUMBER OF MEMBERS OF LABOR ORGANIZATIONS IDLE BECAUSE OF—							Total number reported.	Cause not reported.
		Lack of work.	Weather	Strike or lock- out.	Lack of material.	Sick- ness.	Super- annua- tion.	Other causes.		
I. Building, Stone Working, Etc.	M	14,511	288	177	75	240	113	16	15,415	.....
Stone working....	M	708	.....	.....	.....	3	.....	.....	709	.....
Building and pav- ing trades....	M	12,543	273	177	75	223	113	16	13,419	.....
Building and street labor.....	M	1,262	10	.....	.....	15	.....	.....	1,287	.....
II. Clothing and Tex- tiles.....	M	2,988	.....	12	.....	305	217	.....	3,497	.....
.....	F	493	.....	.....	.....	78	.....	8	574	.....
Garments.....	M	2,516	.....	12	.....	301	203	.....	3,032	.....
.....	F	493	.....	.....	.....	78	.....	5	574	.....
Hats, caps and furs	M	342	.....	.....	.....	1	.....	.....	343	.....
Boots, shoes, gloves, etc.....	M	20	.....	.....	.....	3	14	.....	37	.....
Shirts, collars, cuffs and laundry	M	55	.....	.....	.....	.....	.....	.....	55	.....
III. Metals, Machinery and Shipbuild- ing.....	M	818	6	7	22	104	17	9	983	44
.....	F	2	.....	.....	.....	60	4	6	72	23
Iron and steel....	M	419	.....	.....	.....	.....	.....	.....	428	.....
Metals other than iron and steel...	M	67	.....	7	2	2	1	.....	79	.....
.....	F	2	.....	.....	.....	.....	.....	.....	2	.....
Engineers and fire- men.....	M	103	.....	.....	.....	12	.....	3	118	21
Shipbuilding.....	M	229	6	.....	20	21	12	.....	288	.....
IV. Transportation...	M	1,085	50	.....	.....	114	.....	11	1,260	200
Railroads.....	M	37	.....	.....	.....	19	.....	5	61	.....
Street railways...	M	65	.....	.....	.....	10	.....	.....	75	.....
Coach drivers, etc.	M	45	.....	.....	.....	32	.....	6	83	100
Freight handlers, truckmen, etc....	M	938	50	.....	.....	53	.....	.....	1,041	100
V. Printing, Binding, Etc.....	M	914	.....	13	.....	115	129	25	1,196	.....
.....	F	23	.....	3	.....	4	.....	.....	30	50
VI. Tobacco.....	M	512	.....	.....	25	91	20	.....	649	.....
.....	F	448	.....	.....	.....	20	5	.....	473	.....
VII. Food and Liquors.	M	604	.....	58	.....	18	.....	.....	680	18
Food preparation...	M	490	.....	8	.....	18	.....	.....	516	18
Malt liquors and mineral waters.	M	114	.....	50	.....	.....	.....	.....	164	.....
VIII. Theaters and Mu- sic.....	M	260	.....	.....	.....	.....	.....	.....	260	.....
.....	F	21	.....	.....	.....	.....	.....	.....	21	.....
IX. Wood Working and Furniture	M	981	.....	59	.....	35	18	.....	1,043	.....
X. Restaurants and Retail Trade..	M	307	.....	.....	.....	1	.....	.....	308	.....
Hotels and restau- rants.....	M	242	.....	.....	.....	1	.....	.....	243	.....
Retail trade.....	M	65	.....	.....	.....	.....	.....	.....	65	.....
XI. Public Employ- ment.....	M	31	.....	.....	.....	40	.....	31	102	.....
XII. Miscellaneous...	M	36	.....	.....	.....	16	.....	2	54	.....
Glass.....	M	30	.....	.....	.....	12	.....	2	44	.....
Barbering.....	M	5	.....	.....	.....	.....	.....	.....	5	.....
Other distinct trades.....	M	1	.....	.....	.....	4	.....	.....	5	.....
GRAND TOTAL...	M	22,948	339	326	132	1079	514	94	25,417	263
.....	F	837	.....	5	.....	108	5	3	1,100	60
.....	T	23,930	339	329	132	1,181	519	97	26,517	313

TABLE II.—CAUSES

(b) The State outside of New York City.

(March 30, 1901.)

INDUSTRIES.	Sex.	NUMBER OF MEMBERS OF LABOR ORGANIZATIONS IDLE BECAUSE OF—						
		Lack of work.	Weather.	Strike or lockout.	Lack of material.	Sick- ness.	Super- annua- tion.	Other causes.
I. Building, Stone Working, Etc.	M	3,325	225	20	138	165	13	111
Stone working	M	607	4			6	1	
Brick and cement making	M	127						3
Building and paving trades	M	2,293	179	14	78	128	12	63
Building and street labor	M	298	42	6	60	31		45
II. Clothing and Textiles	M	478		11	3	18	3	150
	F	613		9		16		30
Garments	M	182				2	2	
	F	394				10		30
Hats, caps and furs	M	52						148
	F	76				1		2
Boots, shoes, gloves, etc.	M					1		
	F	118		11		10		
Shirts, collars, cuffs and laundry	M	30		9		3		
	F	101			2	3		
Textiles	M	89				2		
	F							
III. Metals, Machinery and Ship- building	M	669	1,058	62	4	97	24	13
	F							
Iron and steel	M	586	23	24		64	24	16
	F	40		22	4	5		
Metals other than iron and steel	M							
	F							
Engineers and firemen	M	43	1,032	6		6		2
Shipbuilding	M		3			2		
IV. Transportation	M	423	4,923	30	3	255	49	94
	F							
Railroads	M	30	1		3	224	48	83
	F	8				1		3
Street railways	M							
	F							
Coach drivers, etc.	M							
	F							
Seamen, pilots, etc.	M		2,000					
	F							
Freight handlers, truckmen, etc.	M	385	2,322	30		30	1	
V. Printing, Binding, Etc.	M	81			4	33		10
	F	35				1		
VI. Tobacco	M	100			2	19	4	29
	F	3						
VII. Food and Liquors	M	182		393	2	15	1	2
	F	69		393	2	10	1	
Food preparation	M	113				5		2
Malt liquors and mineral waters	M							
VIII. Theaters and Music	M	231		12				
	F	8						
IX. Wood Working and Furniture	M	93				9		6
X. Restaurants and Retail Trade	M	257				17		2
	F					2		3
Hotels and restaurants	M	177				16		2
	F	80				1		
Retail trade	M							3
	F							
XI. Public Employment	M	1				9		1
XII. Miscellaneous	M	659				12		30
	F	5						
Glass	M							1
Barbering	M	12				5		
Other distinct trades	M	31				4		29
Mixed employment	M	611				3		
GRAND TOTAL	M	6,499	6,206	528	155	649	93	445
	F	659		9		19		33
	T	7,058	6,206	537	155	668	93	478

OF IDLENESS.

(c) The Entire State.

(March 30, 1901.)

Total number reported.	Cause not reported.	NUMBER OF MEMBERS OF LABOR ORGANIZATIONS IDLE BECAUSE OF—							Total number reported.	Cause not reported.
		Lack of work.	Weather.	Strike or lockout.	Lack of material.	Sickness.	Superannuation.	Other causes.		
3,997	47	17,886	508	197	218	405	126	127	19,419	47
618		1,313	4			9	1		1,327	
130		127						3	130	
2,787	47	14,836	453	191	153	350	125	79	16,186	47
432		1,500	52	6	60	46		45	1,709	
661	54	3,411		23	2	322	219	150	4,198	54
563		1,006		2		94		35	1,142	
136	54	2,648		12		303	205		3,168	54
424		827				28		33	1,008	
200		394				1		148	543	
78		95				4	14	2	115	
7						7			7	
139		173		11		10			194	
48		20		9		3			48	
108		101			2	5			108	
9		89				5			91	
7										
1,932		1,487	1,064	69	26	201	41	27	2,915	44
		2							2	
707		1,005	23	34		153	28	22	1,255	23
71		107		29	6	7	1		160	
		2							2	
1,089		146	1,032	6		18		5	1,207	21
5		229	9		20	23	12		293	
5,769	42	1,508	4,973	30	3	369	49	97	7,029	242
829	19	67	1		3	243	48	88	450	19
12	15	73				11		3	87	15
		45				32		6	83	100
2,000		2,000							2,000	
3,398	8	1,323	2,972	30		83	1		4,409	108
128		995		13	4	148	129	35	1,324	
30		58		5		5			68	50
184	15	612			27	110	24	29	903	15
5		451				30	5		476	
595		786		451	2	33	1	2	1,275	18
475		559		401	2	28	1		991	18
120		227		50		5		2	284	
243	52	491		12					503	52
8		29							29	
108		1,024		59		44	18	6	1,151	
276	3	564				18		2	584	3
5						2		3	5	
195	3	419				17		2	438	3
81		165				1			166	
5						2		3	6	
11		32				49		32	113	
701	7	695				28		32	735	7
5	2	35				12		2	49	2
18		17				5		1	23	
64		32				8		29	69	
614	5	611				3			614	5
14,575	220	29,442	6,545	854	277	1,728	607	539	39,992	482
630		1,546		19		121	5	36	1,780	50
15,195	220	30,988	6,545	863	277	1,849	612	575	41,712	532

TABLE III.—EMPLOYMENT AND

(First Quarter,

INDUSTRIES.	Sex.	NUMBER OF MEMBERS OF LABOR ORGANIZATIONS						
		1-9 days.	10-19 days.	20-29 days.	30-39 days.	40-49 days.	50-59 days.	60-69 days.
I. Building, Stone Working, Etc.	M	368	1,442	2,704	6,876	2,606	12,018	3,258
Stone working.....	M			81	244		1,202	657
Building and paving trades.....	M	368	1,432	808	5,965	3,581	4,202	6,006
Building and street labor.....	M		10	1,865	667	75	7,614	1,695
II. Clothing and Textiles	M	20	1,052	181	1,971	1,990	1,716	446
	F			335	499	359	198	17
Garments.....	M	20	1,052	181	1,750	1,940	1,630	144
	F			335	499	359	198	17
Hats, caps and furs.....	M				212	50	2	302
Boots, shoes, gloves, etc.....	M						84	
	F						6	
Shirts, collars, cuffs and laundry.....	M							
Textiles.....	M							
III. Metals, Machinery and Ship-	M		10	87	191	185	412	730
building.....	F					1		1
Iron and steel.....	M				100	28	113	534
	F				39	12	28	43
Metals other than iron and steel.....	M					1		1
Engineers and firemen.....	M			28	13	60	76	109
Shipbuilding.....	M		10	54	39	35	195	55
IV. Transportation	M	10	33	65	1,873	290	686	322
	F							
Railroads.....	M				20	12	1	12
	F							
Street railways.....	M					60	375	375
Coach drivers, etc.....	M							
Seamen, pilots, etc.....	M							
Freight handlers, truckmen, etc.....	M	10	33	65	1,853	228	310	35
V. Printing, Binding, Etc.	M		24	14	100	114		5,053
	F	1	2	4	22	13	9	7
VI. Tobacco	M			25	52	108	103	615
	F			37	81	250	135	931
VII. Food and Liquors	M	1	6	65	66	43	92	259
Food preparation.....	M	1	6	65	66	37	88	110
Malt liquors and mineral waters.....	M					6	4	248
VIII. Theaters and Music	M						374	46
	F							
IX. Wood Working and Furniture	M		120	121		314	182	417
X. Restaurants and Retail Trade	M				114	110	52	42
Hotel and restaurants.....	M				114		52	42
Retail trade.....	M					110		
	F							
XI. Public Employment	M		5	1			4	61
	F							
XII. Miscellaneous	M			10	25		13	32
Glass.....	M							
Barbering.....	M			10	10			
Other distinct trades.....	M				15		13	32
GRAND TOTAL	M	899	2,692	3,273	10,768	6,710	16,632	16,490
	F	1	2	376	595	623	343	956
	T	400	2,694	3,049	11,393	7,333	16,984	17,436

1901]

RETURNS FROM LABOR ORGANIZATIONS.

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UNEMPLOYMENT: (a) NEW YORK CITY.

1901.)

WHO WORKED—			Total number employed.	Average days worked by each.	IDLENESS ON LAST DAY OF QUARTER.			IDLENESS DURING ENTIRE QUARTER.			Total days.
70-79 days.	80-89 days.	90 days or over.			Members report- ing.	Number idle.	Per cent idle.	Members report- ing.	Number idle.	Per cent idle.	
12,738	24	61	49,195	54	50,435	15,415	30.6	57,570	9,001	15.6	2,680,777
1,279	4	30	8,447	63	4,001	709	17.7	4,001	549	13.7	217,385
11,459	1	1	33,773	55	41,193	13,419	32.6	41,193	8,052	19.5	1,873,080
-----	20	30	11,976	49	5,241	1,237	24.5	12,376	400	3.2	580,362
4,880	110	-----	12,366	55	12,878	2,467	26.	12,878	1,512	10.9	684,418
973	-----	-----	2,304	64	2,648	574	21.7	2,648	344	13.	124,063
2,591	10	-----	10,327	53	11,574	2,032	26.2	11,574	1,247	10.8	545,392
973	-----	-----	2,238	64	2,648	574	21.7	2,648	344	13.	123,721
492	-----	-----	1,058	62	1,251	343	27.4	1,251	193	15.4	65,416
292	-----	-----	876	71	893	87	9.4	893	17	4.3	28,830
-----	-----	-----	6	57	6	-----	-----	6	-----	-----	348
445	100	-----	545	77	600	55	9.2	600	55	9.2	42,220
60	-----	-----	60	76	60	-----	-----	60	-----	-----	4,560
9,540	832	2,892	14,819	76	15,808	1,027	6.7	15,808	489	3.2	1,133,048
15	-----	-----	15	76	15	2	13.3	15	-----	-----	1,140
5,113	270	110	6,258	73	6,558	521	7.9	6,558	300	4.6	457,672
1,536	201	-----	1,858	75	1,892	79	4.2	1,892	24	1.3	138,548
-----	15	-----	15	76	15	2	13.3	15	-----	-----	1,140
2,022	361	2,747	5,422	83	5,494	139	2.5	5,494	72	1.3	450,927
868	-----	25	1,281	67	1,364	238	21.1	1,364	83	6.1	85,896
1,049	2,837	2,658	9,328	74	9,349	1,460	15.6	10,387	964	9.4	689,547
-----	-----	5	5	110	5	-----	-----	5	-----	-----	550
335	392	2,020	2,792	83	2,813	61	2.2	2,813	21	.7	246,318
-----	-----	5	5	110	5	-----	-----	5	-----	-----	550
-----	2,000	-----	2,700	73	2,760	73	2.8	2,700	-----	-----	211,250
-----	206	457	682	90	845	133	21.7	845	133	21.7	59,375
400	-----	-----	400	76	400	-----	-----	400	-----	-----	30,400
314	240	181	2,769	51	2,591	1,141	44.	3,529	790	21.5	142,204
7,115	-----	265	12,635	69	13,889	1,196	8.6	13,889	1,054	7.6	881,192
379	-----	437	437	75	512	80	15.6	512	75	14.6	51,972
2,770	-----	-----	3,678	71	4,128	649	15.7	4,128	432	10.5	260,261
688	-----	-----	3,122	60	2,344	473	20.2	2,344	194	8.3	123,231
3,903	-----	285	4,769	74	5,311	698	13.1	5,311	524	9.8	353,661
2,592	-----	46	3,011	73	3,398	534	15.7	3,398	364	10.7	219,787
1,311	-----	189	1,768	76	1,918	164	8.6	1,918	160	8.3	138,894
3,823	-----	59	4,802	73	4,380	260	6.	4,330	28	.6	312,861
400	-----	39	439	73	460	31	4.6	460	31	4.6	34,310
4,019	-----	15	5,188	70	5,900	1,043	17.7	5,900	712	12.1	360,884
539	55	133	1,050	69	1,168	308	26.4	1,168	118	10.1	72,739
236	-----	-----	236	77	236	-----	-----	236	-----	-----	17,426
192	-----	138	538	68	656	243	37.	656	118	18.	36,792
247	53	-----	512	70	512	65	12.7	512	-----	-----	85,997
236	-----	-----	236	77	236	-----	-----	236	-----	-----	17,426
3,532	391	1,793	5,337	81	5,375	102	1.7	5,375	38	.6	473,239
7	-----	7	7	76	7	-----	-----	7	-----	-----	532
463	25	8	576	71	628	54	8.6	628	52	8.3	41,163
232	-----	-----	232	75	326	44	13.5	326	44	13.5	21,108
55	-----	-----	75	66	80	5	6.2	80	5	6.2	4,915
126	25	8	219	69	222	5	2.3	222	3	1.4	15,140
54,421	4,274	8,114	123,783	64	130,199	25,679	19.7	138,272	14,924	10.8	7,948,835
3,673	15	44	5,555	61	6,217	1,150	18.5	6,217	634	10.2	357,684
57,094	4,237	8,158	129,338	64	136,416	26,829	19.7	144,489	15,558	10.8	8,231,359

TABLE III.—EMPLOYMENT AND UNEMPLOYMENT:
(First Quarter,

INDUSTRIES.	Sex.	NUMBER OF MEMBERS OF LABOR ORGANIZATIONS						
		1-9 days.	10-19 days.	20-29 days.	30-39 days.	40-49 days.	50-59 days.	60-69 days.
I. Building, Stone Working, Etc.	M	992	1,124	1,188	1,295	1,634	1,967	2,476
Stone working.....	M	54	79	75	136	50	20	44
Brick and cement making.....	M	.....	272	70	150	50	.....	10
Building and paving trades.....	M	196	592	865	922	1,284	1,850	2,282
Building and street labor.....	M	12	181	178	187	250	297	140
II. Clothing and Textiles	M	.....	59	143	378	301	396	419
.....	F	1	9	104	120	243	57	574
Garments.....	M	.....	.....	35	153	215	184	66
.....	F	1	9	37	22	201	14	532
Hats, caps and furs.....	M	.....	14	26	33	4	.....	13
.....	F	.....	.....	.....	.....	.....	.....	.....
Boots, shoes, gloves, etc.....	M	.....	.....	.....	34	.....	55	245
.....	F	.....	.....	.....	50	2	3	14
Shirts, collars, cuffs and laundry.....	M	.....	1	28	123	60	61	6
.....	F	.....	.....	19	47	.....	40	3
Textiles.....	M	.....	44	54	81	22	96	86
.....	F	.....	.....	66	1	140	.....	25
III. Metals, Machinery and Shipbuild- ing	M	11	59	295	508	449	485	894
Iron and steel.....	M	11	57	294	492	436	436	777
Metals other than iron and steel.....	M	.....	1	.....	8	.....	42	64
Engineers and firemen.....	M	.....	1	1	.....	8	.....	.....
Shipbuilding.....	M	.....	.....	.....	.....	5	7	53
IV. Transportation	M	10	11	24	60	119	167	882
Railroads.....	M	.....	5	5	11	17	66	355
Street railways.....	M	.....	.....	.....	40	.....	.....	291
Coach drivers, etc.....	M	.....	.....	.....	.....	.....	.....	.....
Seamen, pilots, etc.....	M	.....	.....	.....	.....	.....	.....	.....
Freight handlers, truckmen, etc.....	M	10	6	19	9	102	101	236
V. Printing, Binding, Etc	M	2	5	12	42	20	47	166
.....	F	.....	1	.....	39	.....	2	1
VI. Tobacco	M	1	4	17	22	64	160	588
.....	F	.....	.....	.....	1	21	6	20
VII. Food and Liquors	M	2	51	9	22	28	18	286
Food preparation.....	M	2	51	4	8	28	10	7
Malt liquors and mineral waters.....	M	.....	.....	5	14	.....	8	279
VIII. Theaters and Music	M	.....	.....	.....	.....	.....	.....	.....
.....	F	.....	.....	.....	.....	.....	.....	.....
IX. Wood Working and Furniture	M	.....	1	2	3	24	378	261
.....	F	.....	.....	.....	.....	10	.....	.....
X. Restaurants and Retail Trade	M	1	1	4	22	55	2	28
Hotels and restaurants.....	M	1	1	4	22	9	2	.....
Retail trade.....	M	.....	.....	.....	.....	46	.....	28
.....	F	.....	.....	.....	.....	.....	.....	.....
XI. Public Employment	M	2	1	2	.....	9	3	5
.....	F	.....	.....	.....	.....	.....	.....	.....
XII. Miscellaneous	M	16	3	7	26	24	42	434
Glass.....	M	.....	.....	8	2	1	21	47
Barbering.....	M	.....	2	1	3	1	2	132
Other distinct trades.....	M	.....	1	8	1	1	19	119
Mixed employment.....	M	16	.....	.....	20	21	.....	136
GRAND TOTAL	M	328	1,319	1,708	2,468	2,727	3,066	6,439
.....	F	1	10	104	153	574	65	695
.....	T	329	1,329	1,807	2,621	3,101	3,730	7,034

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1901.)

WHO WORKED—			Total number employed.	Average days worked by each.	IDLENESS ON LAST DAY OF QUARTER.			IDLENESS DURING EN- TIRE QUARTER.			Total days.
70-79 days.	80-89 days	90 days or over.			Members report- ing.	Number idle.	Per cent idle.	Members report- ing.	Number idle.	Per cent idle.	
8,181	427	40	18,674	58	21,180	4,044	19.1	21,181	2,422	11.5	1,076,412
107			595	38	1,106	618	55.9	1,106	511	46.2	22,479
	46		598	28	712	130	18.3	712	112	15.7	16,518
7,779	381	40	15,991	61	17,625	2,814	16.0	17,616	1,602	9.1	969,953
245			1,490	45	1,687	432	25.6	1,687	197	11.7	67,462
3,273	18		4,982	66	5,189	715	13.8	5,239	256	4.9	323,066
1,565			3,073	65	3,093	663	21.4	3,211	133	4.3	199,831
911	18		1,582	64	1,546	190	12.3	1,566	13	0.8	100,544
1,023			1,329	66	1,754	434	24.7	1,872	45	2.3	180,130
269			358	65	410	200	48.8	410	52	12.7	23,142
99			99	76	99			99		0.0	6,992
1,022			1,859	71	1,430	78	5.5	1,430	71	5.0	96,935
176			245	67	245	1	0.4			0.0	16,408
563			842	64	894	139	15.5	894	52	5.8	54,255
163			255	63	254	48	18.9	254	9	3.4	15,968
508			841	63	909	108	11.9	909	66	7.5	53,190
421			658	63	733	91	12.3	733	88	11.7	40,339
11,600	176	479	14,951	71	16,241	1,923	11.9	16,244	1,335	8.5	1,054,591
9,992	30	47	12,772	69	12,735	767	6.0	12,838	258	2.0	869,255
334			449	71	493	71	14.4	498	44	8.9	31,677
1,049	146	432	1,640	81	2,723	1,089	40.0	2,723	1,083	39.8	132,542
225			290	73	290	5	1.7	290		0.0	21,117
6,822	2,086	5,802	15,488	81	21,490	5,811	27.1	21,406	5,444	25.4	1,255,829
5,325	1,827	4,806	12,418	83	12,984	408	3.1	12,936	210	1.6	1,029,757
49	259	128	767	75	767	27	3.1	767		0.0	57,764
		368	368	90	395		0.0	395		0.0	33,120
					2,000	2,000	100.0	2,000	2,000	100.0	
1,447			1,930	70	5,334	3,376	63.3	5,308	2,234	60.9	135,182
2,515	41	60	2,910	71	2,852	123	4.5	2,926	50	1.7	205,784
237			263	71	264	36	13.6	264	1	0.4	16,692
2,463			3,319	71	3,355	169	5.0	3,369	50	1.5	236,971
76			184	59	137	3	2.4	126	1	0.8	7,368
3,055	52	481	4,018	76	4,509	595	13.2	4,509	493	10.9	304,412
1,453	1	65	1,630	73	2,029	475	23.4	2,029	399	19.7	119,067
1,612	52	416	2,386	78	2,480	120	4.8	2,480	94	3.8	185,345
281		14	295	77	1,349	295	21.9	1,615	218	13.5	22,688
					29	8	27.6	29	4	13.8	
1,929	49		2,647	71	2,721	108	4.0	2,721	74	2.7	185,424
16			25	63	25		0.0	25		0.0	1,540
3,026	22	1,035	4,190	79	4,557	279	6.1	4,607	208	4.5	323,694
149		21	230	80	235	5	2.1	235	6	2.1	18,360
1,649		298	1,986	78	2,205	198	9.0	2,205	175	7.9	155,477
		76	75	90	75			75			6,750
1,377	22	737	2,310	80	2,352	81	3.4	2,402	83	1.4	177,217
149		6	155	75	160	6	3.1	160	6	3.1	11,610
98	56	956	1,127	87	1,122	11	1.0	1,122		0.0	98,550
		10	10	90	10		0.0	10		0.0	900
2,569	23	87	3,181	73	3,623	708	19.5	3,725	534	14.3	231,238
529			408	72	298	7	2.3	405	2	0.5	28,847
1,212			1,853	75	1,335	18	1.3	1,360	7	0.5	101,268
650	13	39	840	73	840	64	8.3	860	10	1.2	61,632
378	10	4	585	68	1,226	619	50.7	1,100	515	46.8	39,491
45,767	2,951	8,404	75,781	70	88,128	14,795	16.8	88,704	11,134	12.6	5,235,609
2,339		21	2,735	68	2,733	620	22.4	2,900	149	5.8	246,759
48,099	2,951	8,425	79,506	70	91,911	15,415	16.8	92,604	11,233	12.2	5,532,363

TABLE III.—EMPLOYMENT AND UNEMPLOY-

(First Quarter,

INDUSTRIES.	Sex.	NUMBER OF MEMBERS OF LABOR ORGANIZATIONS						
		1-9 days.	10-19 days.	20-29 days.	30-39 days.	40-49 days.	50-59 days.	60-69 days.
I. Building, Stone Working, Etc.....	M	660	2,566	3,892	3,271	5,240	14,985	10,334
Stone working	M	84	79	106	280	50	1,222	701
Brick and cement making	M		272	70	150	50		10
Building and paving trades	M	564	2,024	1,073	6,887	4,815	5,852	3,228
Building and street labor	M	12	191	2,043	854	325	7,911	1,835
II. Clothing and Textiles.....	M	20	1,111	324	2,344	2,291	2,112	865
Garments	F	1	9	439	543	702	255	591
Hats, caps and furs	F	20	1,052	216	1,912	2,155	1,814	210
Boots, shoes, gloves, etc.	F	1	9	363	444	560	806	549
Shirts, collars, cuffs and laundry	F		14	26	244	84	2	315
Textiles	F							
III. Metals, Machinery and Ship-	M	11	69	332	694	534	397	1,024
building	F							
Iron and steel	M	11	57	234	592	464	549	1,301
Metals other than iron and steel	M		1		47	12	70	106
Engineers and firemen	M		1	34	16	68	76	109
Shipbuilding	M		10	54	89	40	202	108
IV. Transportation.....	M	20	44	89	1,433	409	853	1,204
Railroads	F		5	5	31	29	67	367
Street railways	M				40	50	375	566
Coach drivers, etc.	M							
Seamen, pilots, etc.	M							
Freight handlers, truckmen, etc.	M	20	39	84	1,362	330	411	271
V. Printing, Binding, Etc.....	M	2	29	26	142	134	47	5,219
	F	1	3	4	54	13	11	3
VI. Tobacco	M	1	4	42	74	172	263	1,203
	F			37	37	271	141	251
VII. Food and Liquors	M	4	57	74	88	71	110	644
Food preparation	M	4	57	69	74	65	98	117
Malt liquors and mineral waters	M			5	14	6	12	527
VIII. Theaters and Music	M						374	46
	F							
IX. Wood Working and Furniture.....	M		121	123	3	333	560	678
	F					10		
X. Restaurants and Retail Trade.....	M	1	1	4	136	165	54	70
Hotels and restaurants	M	1	1	4	136	9	54	42
Retail trade	M					158		26
XI. Public Employment.....	M	2	6	3		9	7	66
	F							
XII. Miscellaneous	M	16	3	17	51	24	55	466
Glass	M			3	2	1	21	47
Barbering	M		2	11	23	1	3	132
Other distinct trades	M		1	3	16	1	82	151
Mixed employment	M	16			20	21		126
GRAND TOTAL	M	737	4,011	4,976	13,236	9,437	20,317	22,919
	F	3	12	480	678	297	407	1,551
	T	739	4,023	5,456	13,914	10,434	20,724	24,470

MENT: (e) THE ENTIRE STATE.

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WHO WORKED--			Total number employed.	Average days worked by each.	IDLENESS ON LAST DAY OF QUARTER			IDLENESS DURING ENTIRE QUARTER			Total days.
70-79 days.	80-89 days.	90 days or over.			Members reporting.	Number idle.	Per cent idle.	Members reporting.	Number idle.	Per cent idle.	
26,869	451	101	67,869	55	71,565	19,459	27.2	78,691	11,423	14.5	8,757,189
1,398	4	30	4,042	55	5,107	1,327	26.0	6,107	1,060	20.8	233,964
46	-----	-----	568	28	712	180	18.3	712	112	15.7	16,518
19,228	381	41	49,763	57	58,818	16,233	27.6	58,809	9,654	16.4	2,642,983
245	20	30	12,466	49	6,928	1,769	25.5	14,063	597	4.2	667,824
3,152	128	-----	17,348	58	19,067	4,182	21.9	19,117	1,768	9.2	1,012,484
8,332	-----	-----	5,777	60	4,741	1,148	19.9	5,859	489	8.3	233,944
4,502	28	-----	11,909	54	12,120	8,222	24.6	12,170	1,290	9.6	645,936
1,296	-----	-----	4,127	59	4,398	1,008	22.9	4,514	387	8.6	243,851
761	-----	-----	1,418	63	1,661	543	32.7	1,661	245	14.8	88,558
99	-----	-----	98	76	92	-----	0.0	98	-----	0.0	6,992
1,314	-----	-----	1,785	71	1,823	115	6.3	1,823	88	4.8	123,765
176	-----	-----	251	67	251	1	0.4	251	-----	0.0	16,744
1,008	100	-----	1,897	69	1,494	194	13.0	1,494	107	7.2	96,475
153	-----	-----	255	65	264	48	16.9	264	9	3.4	15,923
568	-----	-----	901	64	969	108	11.1	969	68	7.0	57,750
491	-----	-----	658	62	733	91	12.3	733	86	11.7	40,389
21,140	1,006	3,361	29,770	72	31,549	2,959	9.4	31,653	1,874	5.9	2,187,624
-----	15	-----	15	76	15	5	2.5	15	-----	0.0	1,140
15,105	300	187	18,890	70	19,298	1,288	6.7	19,396	558	2.9	1,326,927
1,870	201	-----	2,807	74	2,385	150	6.3	2,385	78	3.3	170,225
-----	15	-----	15	76	15	5	12.5	15	-----	0.0	1,740
3,072	507	1,179	7,062	83	8,217	1,228	14.9	8,217	1,155	14.1	583,469
1,038	-----	25	1,871	68	1,654	293	17.7	1,654	83	5.0	107,013
7,371	4,928	7,960	24,806	78	30,829	7,371	23.6	31,693	6,408	20.2	1,945,276
-----	5	-----	5	110	5	-----	0.0	5	-----	0.0	650
5,961	2,319	6,826	15,210	84	15,797	469	3.0	15,748	291	1.5	1,276,075
-----	5	-----	5	110	5	-----	0.0	5	-----	0.0	650
49	2,259	128	2,467	78	2,467	102	2.9	2,467	-----	0.0	269,014
-----	305	825	1,080	90	1,240	183	14.8	1,240	189	14.8	92,495
400	-----	-----	400	76	2,400	2,000	83.3	2,400	2,000	83.3	30,400
1,761	240	181	4,999	59	7,925	4,517	57.0	8,837	8,994	45.2	277,392
9,680	41	325	15,595	70	16,741	1,394	7.9	16,815	1,104	6.6	1,086,926
606	-----	-----	700	71	770	116	14.9	776	76	9.8	49,964
5,223	-----	-----	6,992	71	7,433	818	10.9	7,497	482	6.4	497,232
764	-----	-----	2,545	60	2,471	476	19.3	2,470	195	7.9	136,617
6,968	52	716	8,785	75	9,820	1,298	13.2	9,820	1,017	10.4	658,072
4,045	1	111	4,841	73	5,432	1,009	18.6	5,432	769	14.1	333,634
2,923	52	606	4,144	77	4,398	284	6.5	4,398	254	5.8	319,239
4,104	-----	72	4,597	78	5,079	555	9.8	5,045	246	4.1	335,549
400	-----	39	439	78	439	29	6.0	439	26	5.1	24,310
5,948	49	15	7,835	70	8,621	1,151	13.4	8,621	786	9.1	549,808
15	-----	-----	25	69	25	-----	0.0	25	-----	0.0	1,640
3,565	77	1,178	5,246	77	5,725	587	10.2	5,775	326	5.6	405,482
375	-----	81	466	77	461	6	1.1	461	6	1.1	25,735
1,841	-----	436	2,524	76	2,861	441	15.4	2,861	293	10.2	192,369
-----	77	787	75	80	75	-----	0.0	75	-----	0.0	7,750
1,794	77	787	2,722	78	2,864	146	5.1	2,914	33	1.1	213,214
376	-----	6	331	76	336	6	1.5	336	6	1.5	29,036
2,675	447	2,749	6,964	82	6,997	118	1.6	6,997	38	0.5	571,769
7	-----	10	17	84	17	-----	0.0	17	-----	0.0	1,459
2,092	48	45	3,757	78	4,251	769	17.9	4,353	586	13.5	272,401
611	-----	-----	685	73	624	51	8.2	731	46	6.3	49,905
1,267	-----	-----	1,428	74	1,415	23	1.6	1,440	12	0.8	104,183
776	88	41	1,059	72	992	69	7.0	1,082	18	1.2	76,772
378	10	4	585	68	1,220	619	50.7	1,100	615	46.8	89,491
100,198	7,225	16,513	199,564	67	218,327	40,474	18.5	226,976	26,058	11.5	18,279,444
5,006	12	186	9,320	69	10,000	1,770	17.7	10,117	783	7.7	684,353
105,193	7,238	16,653	208,844	66	228,327	42,344	18.5	237,993	26,841	11.3	18,868,797

TABLE IV.—QUARTERLY EARNINGS:
(First Quarter)

INDUSTRIES.	Sex.	NUMBER OF MEMBERS OF				
		\$1 to \$24.	\$25 to \$49.	\$50 to \$74.	\$75 to \$99.	\$100 to \$124.
I. Building, Stone Working, Etc....	M	347	517	2 602	2,176	2,425
Stone working.....	M	.....	.....	.....	91	164
Building and paving trades.....	M	347	452	792	1,613	1,991
Building and street labor.....	M	.....	65	1,810	472	270
II. Clothing and Textiles.....	M	450	620	2,182	2,343	1,513
.....	F	275	639	418	360	231
Garments.....	M	450	620	2,182	2,293	1,115
.....	F	275	639	418	360	225
Hats, caps and furs.....	M	.....	.....	60	50	302
.....	F	.....	.....	.....	.....	98
Boots, shoes, gloves, etc.....	M	.....	.....	.....	.....	6
.....	F	.....	.....	.....	.....	.....
Shirts, collars, cuffs and laundry.....	M	.....	.....	.....	.....	.....
Textiles.....	M	.....	.....	.....	.....	.....
III. Metals, Machinery and Ship- building.....	M	.....	.....	72	56	237
.....	F	.....	.....	.....	1	1
Iron and steel.....	M	.....	.....	.....	.....	153
.....	F	.....	.....	.....	34	28
Metals other than iron and steel.....	M	.....	.....	.....	1	1
.....	F	.....	.....	.....	22	32
Engineers and firemen.....	M	.....	.....	8	.....	24
Shipbuilding.....	M	.....	.....	64	.....	.....
IV. Transportation.....	M	10	.....	49	120	2,047
.....	F	.....	.....	.....	.....	5
Railroads.....	M	.....	.....	.....	.....	20
.....	F	.....	.....	.....	.....	5
Street railways.....	M	.....	.....	.....	50	650
Coach drivers, etc.....	M	.....	.....	.....	.....	.....
Seamen, pilots, etc.....	M	.....	.....	.....	.....	.....
Freight handlers, truckmen, etc.....	M	10	.....	49	70	1,377
V. Printing, Binding, Etc.....	M	.....	13	13	32	156
.....	F	1	.....	17	185	178
VI. Tobacco.....	M	.....	.....	82	1,374	584
.....	F	.....	6	112	283	277
VII. Food and Liquors.....	M	7	24	67	271	137
Food preparation.....	M	7	24	67	271	137
Malt liquors and mineral waters.....	M	.....	.....	.....	.....	10
VIII. Theaters and Music.....	M	.....	.....	.....	.....	2
.....	F	.....	.....	.....	30	9
IX. Wood Working and Furniture.....	M	.....	20	257	28	182
X. Restaurants and Retail Trade.....	M	.....	.....	.....	181	137
.....	F	.....	.....	66	185	10
Hotels and restaurants.....	M	.....	.....	.....	70	102
.....	F	.....	.....	.....	111	35
Retail trade.....	M	.....	.....	66	185	10
.....	F	.....	.....	.....	.....	.....
XI. Public Employment.....	M	.....	1	5	.....	240
.....	F	.....	.....	.....	.....	.....
XII. Miscellaneous.....	M	.....	.....	10	27	40
Glass.....	M	.....	.....	.....	10	.....
Barbering.....	M	.....	.....	10	10	.....
Other distinct trades.....	M	17	40
GRAND TOTAL.....	M	814	1,195	5,844	6,603	7,700
.....	F	276	646	607	1,619	1,411

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LABOR ORGANIZATIONS WHO EARNED—								Total number reported.	Average earnings of each.
\$125 to \$149.	\$150 to \$174.	\$175 to \$199.	\$200 to \$224.	\$225 to \$249.	\$250 to \$274.	\$275 to \$299.	\$300 or over.		
11,196	6,129	5,070	3,788	2,927	2,025	6,913	2,180	49,195	\$184 44
195	595	702	464	157	314	765		3,447	233 91
2,882	4,329	4,435	2,715	2,433	2,768	6,599	1,415	33,772	199 01
7,314	1,605	40	370	30				11,976	129 12
529	1,001	1,682	121	928	875	114	18	12,366	128 80
319				75				5,204	77 44
851	489	1,251	121	911	571	12	11	10,327	120 56
319				75				2,898	77 65
178	352	101		12	9	2	2	1,058	137 47
	10	270						376	169 91
								6	114 00
	150				295	100		545	235 56
		60						60	190 00
854	815	2,278	2,439	4,875	1,981	72	1,645	14,919	229 63
252	446	892	1,875	2,074	549	4	10	6,258	215 39
68	190	609	172	394	72	30	266	1,858	218 72
4	129	597	314	1,914	995	38	1,369	5,422	252 93
35	50	175	75	493	385			1,281	216 34
331	2,284	1,022	186	772	199	3	1,300	9,323	132 32
177	604	714	36	274	64	3	800	2,792	227 56
	2,000							2,700	156 48
	370	292						662	164 79
							400	400	300 00
204	310	16	100	498	135			2,769	152 49
303	233	1,698	4,847	966	2,318	335	1,741	12,635	236 55
27	9	5	7	10	5		3	437	107 95
299	496	694	8	124	12			2,672	123 29
45	23	19						2,123	104 43
863	864	1,041	222	941	89	1	302	4,769	131 52
863	513	458	119	205	19	1	302	3,011	168 32
	296	553	103	736	70			1,758	204 12
172	689	46	180	160	6		2,067	4,302	404 98
3				5		5	402	439	435 64
343	975	477	789	1,547	438	9	173	5,188	198 49
97	111	439	25	30	15		15	1,050	158 46
43	5	30						236	91 43
54	71	252						538	152 05
	40	187	25	30	15		15	512	165 19
	5	30						236	91 46
2	814	1,875	879	1,166	855			5,837	199 84
	7							7	168 72
51	60	85	13	44	38		208	576	242 65
		50		24			208	232	329 18
30	35							75	126 67
31	25	35	13	20	38			219	170 95
14,590	15,896	16,402	12,897	14,495	9,751	7,447	10,649	123,738	\$196 98
79	873	49	7	33	3	3	405	5,666	132 43

TABLE IV.—QUARTERLY EARNINGS:

(First Quarter,

INDUSTRIES.	Sex.	NUMBER OF MEMBERS OF				
		\$1 to \$24.	\$25 to \$49.	\$50 to \$74.	\$75 to \$99.	\$100 to \$124.
I. Building, Stone Working, Etc.	M	667	980	1,563	1,444	1,784
Stone working.....	M	73	58	95	66	90
Brick and cement making.....	M	225	117	200	10	.....
Building and paving trades.....	M	258	631	870	1,035	1,400
Building and street labor.....	M	113	174	398	333	294
II. Clothing and Textiles	M	32	327	551	588	1,054
.....	F	181	458	749	824	768
Garments.....	M	.....	100	347	132	426
.....	F	131	386	571	441	369
Hats, caps and furs.....	M	14	26	36	9	4
.....	F	.....	.....	.....	88	4
Boots, shoes, gloves, etc.....	M	.....	.....	74	208	305
.....	F	.....	61	10	173	1
Shirts, collars, cuffs and laundry.....	M	.....	103	50	151	147
.....	F	.....	29	48	59	44
Textiles.....	M	18	80	44	88	118
.....	F	60	38	126	44	360
III. Metals, Machinery and Ship-	M	12	67	278	777	1,636
building.....	M	11	65	277	721	1,419
Iron and steel.....	M	.....	.....	1	34	58
Metals other than iron and steel.....	M	1	2	.....	22	144
Engineers and firemen.....	M	.....	.....	.....	.....	15
Shipbuilding.....	M	.....	.....	.....	.....	.....
IV. Transportation	M	17	33	102	544	1,563
.....	M	3	33	6	211	972
Railroads.....	M	.....	.....	40	80	106
Street railways.....	M	.....	.....	.....	.....	.....
Coach drivers, etc.....	M	.....	.....	.....	.....	.....
Seamen, pilots, etc.....	M	.....	.....	.....	.....	.....
Freight handlers, truckmen, etc.....	M	14	.....	56	303	425
V. Printing, Binding, Etc.	M	6	10	35	148	206
.....	F	1	37	121	9	14
VI. Tobacco	M	4	18	134	319	437
.....	F	.....	8	2	66	28
VII. Food and liquors	M	5	52	50	60	503
.....	M	5	52	31	53	462
Food preparation.....	M	.....	1	19	7	44
Malt liquor and mineral waters.....	M	.....	.....	.....	.....	.....
VIII. Theaters and Music	M	82	214	126	84	15
.....	F	1	4	8	.....	.....
IX. Wood Working and Furniture	M	.....	3	3	456	465
.....	F	.....	10	15	.....	.....
X. Restaurants and Retail Trade	M	1	8	174	312	668
.....	F	.....	16	18	100	17
Hotels and restaurants.....	M	1	6	128	24	448
.....	F	.....	.....	.....	75	.....
Retail trade.....	M	.....	2	46	238	220
.....	F	.....	16	18	86	17
XI. Public Employment	M	2	3	1	5	6
.....	F	.....	.....	.....	2	1
XII. Miscellaneous	M	18	7	46	524	837
.....	M	.....	.....	.....	8	5
Glass.....	M	1	3	3	133	422
Barbering.....	M	1	4	2	61	261
Other distinct trades.....	M	16	.....	41	327	196
Mixed employment.....	M	.....	.....	.....	.....	.....
GRAND TOTAL	M	846	1,733	3,063	5,161	9,237
.....	F	183	689	923	1,071	839

(b) THE STATE OUTSIDE OF NEW YORK CITY.

1901.)

LABOR ORGANIZATIONS WHO EARNED—								Total number reported.	Average earnings of each.
\$125 to \$149.	\$150 to \$174.	\$175 to \$199.	\$200 to \$224.	\$225 to \$249.	\$250 to \$274.	\$275 to \$299.	\$300 or over.		
1,734 35	4,007 26	3,212 9	1,858 66	1,148 17	581 61	64	202	18,694 595	\$145 93 120 80
1,520 179	3,955 28	3,183 28	1,292	1,181	470	64	202	16,011 1,490	156 58 80 31
548 79	960 4	784	40	123	24		1	4,982 3,073	122 26 76 10
120 51	166	127	32	109	20			1,582 1,529	117 20 71 47
28	49	178	4	6	3		1	358 27	144 91 26 85
57	488	169						1,359 245	130 52 71 73
62	55	260	4	8	1			842 255	122 07 87 61
48	3							841 652	114 88 83 44
280	204								
846 656	3,762 3,224	4,719 4,102	1,473 1,196	1,190 824	115 59		86 18	14,951 12,572	168 81 166 15
48 130	119 404	82 407	23 174	62 274	22 14			449 1,640	168 25 184 93
12	15	128	80	20	20		68	290	193 88
2,695 1,317	3,422 3,152	2,639 2,473	705 705	918 893	754 754	481 481	1,704 1,704	15,572 12,704	188 14 202 21
278 368	125	128						767 368	137 10 127 77
732	145	38		20				1,733	120 43
156 3	516 5	1,061 12	207	235 3	177	13	50	2,910 263	179 64 64 10
1,091 7	1,003 8	330 1	75	1	2	5		3,319 124	139 40 90 61
474 301	1,908 507	736 188	198 7	114 20	6 1	1	5 2	4,016 1,630	154 55 133 59
173	1,301	548	191	94	5		3	2,386	169 87
155 6	106	308 1	124 3	59	5		69	1,407 22	135 77 93 14
325	796	433	74	59	3			2,617 25	142 58 41 06
1,170 9	868 4	343		38	58		31	3,671 224	134 40 88 16
687	641	43		6			2	1,986 75	129 44 78 00
483 9	227 4	300		32	58		29	1,685 149	140 24 84 35
52 3	69 3	50 3	343 1	147	419	10	20	1,127 10	219 31 141 25
675 2	304	193 4	66 8	57 12	44 14	125 124	235 231	3,181 403	152 83 331 53
495	180	111		1	3			1,353	128 49
175 3	124	78	58	44	27	1	4	840 585	146 96 94 46
9,921 106	17,681 33	14,748 16	4,663 3	4,174 3	2,138	699	2,403	76,447 3,741	\$159 49 76 14

TABLE IV.—QUARTERLY EARNINGS:

(First Quarter

INDUSTRIES.	Sex.	NUMBER OF MEMBERS OF				
		\$1 to \$24.	\$25 to \$49.	\$50 to \$74.	\$75 to \$99.	\$100 to \$124.
I. Building, Stone Working, Etc....	M	1,014	1,497	4,165	3,620	4,209
Stone working	M	72	58	95	157	254
Brick and cement making	M	225	117	200	10	—
Building and paving trades	M	605	1,083	1,662	2,648	3,391
Building and street labor	M	112	239	2,208	806	584
II. Clothing and Textiles.....	M	482	947	2,733	2,931	2,567
Garments	F	456	1,097	1,161	1,194	999
.....	M	450	729	2,479	2,435	1,535
.....	F	406	925	983	801	594
Hats, caps and furs	M	14	26	86	59	306
.....	F	—	—	—	88	4
Boots, shoes, gloves, etc.....	M	—	—	74	208	461
.....	F	—	61	10	178	7
Shirts, collars, cuffs and laundry	M	—	103	50	161	147
.....	F	—	29	49	89	44
Textiles.....	M	18	89	44	88	118
.....	F	60	83	126	44	360
III. Metals, Machinery and Ship- building	M	12	67	350	833	1,373
.....	F	—	—	—	1	1
Iron and steel.....	M	11	65	277	721	1,572
.....	F	—	—	1	68	86
Metals other than iron and steel.....	M	—	—	—	1	1
Engineers and firemen	M	1	2	8	44	176
Shipbuilding	M	—	—	64	—	39
IV. Transportation.....	M	27	33	151	664	3,610
.....	F	—	—	—	—	6
Railroads	M	3	33	6	211	992
.....	F	—	—	—	—	6
Street railways.....	M	—	—	40	80	816
Coach drivers, etc.....	M	—	—	—	—	—
Seamen, pilots, etc.....	M	—	—	—	—	—
Freight handlers, truckmen, etc.....	M	24	—	106	378	1,802
V. Printing, Binding, Etc.....	M	6	23	53	180	363
.....	F	2	87	143	194	193
VI. Tobacco	M	4	13	216	1,593	1,021
.....	F	—	14	114	994	1,009
VII. Food and Liquors.....	M	12	77	117	321	643
Food preparation	M	12	76	98	324	529
Malt liquors and mineral waters.....	M	—	1	19	7	54
VIII. Theaters and Music	M	82	214	126	84	17
.....	F	1	4	8	20	9
IX. Wood Working and Furniture.....	M	—	23	260	479	647
.....	F	—	10	16	—	—
X. Restaurants and Retail Trade.....	M	1	9	174	493	895
.....	F	—	16	84	235	27
Hotels and restaurants	M	1	6	128	94	550
.....	F	—	—	—	75	—
Retail trade.....	M	—	2	46	399	256
.....	F	—	16	84	210	27
XI. Public Employment.....	M	2	4	6	5	246
.....	F	—	—	—	2	1
XII. Miscellaneous.....	M	18	7	56	551	927
Glass	M	—	—	—	3	5
Barbering	M	1	3	13	143	423
Other distinct trades	M	1	4	2	78	301
Mixed employment.....	M	16	—	41	327	193
GRAND TOTAL.....	M	1,660	2,918	8,407	11,764	16,927
.....	F	469	1,823	1,530	2,630	2,843

(c) THE ENTIRE STATE.

1901).

LABOR ORGANIZATIONS WHO EARNED—								Total number reported.	Average earnings of each.
\$125 to \$149.	\$150 to \$174.	\$175 to \$199.	\$200 to \$224.	\$225 to \$249.	\$250 to \$274.	\$275 to \$299.	\$300 or over.		
12,930 35	10,136 221	8,282 604	5,146 768	4,075 481	3,456 218	6,977 314	2,382 765	67,889 4,042	\$173 83 217 28
5,402 7,493	8,284 1,605	7,618 40	4,008 370	3,564 30	3,238	6,663	1,617	598 49,783 13,466	49 09 185 36 123 72
1,077 79	1,961 316	2,416	161	1,046 75	899	114	14	17,848 5,377	127 27 76 30
471 21	655 319	1,378	153	1,020 75	591	12	11	11,908 4,187	120 12 74 21
206	401	279	4	18	12	2	3	1,416 29	139 25 95 83
57	496	439						1,735	138 84
63	205	260	4	6	296	100		1,337 251	166 06 72 74
48	3							1,337	166 06
280	204	60						901 653	87 61 33 44
1,200	4,577	6,992	3,912	6,055	2,096	72	1,731	23,770 15	199 08 152 00
906 111	3,670 309	4,904 691	3,074 195	2,898 456	608 94	4 30	28 266	18,830 2,307	183 52 209 00
134 47	533 65	1,004 308	488 165	2,188 513	1,009 885	88	1,437	15 7,062 1,571	152 00 237 14 212 13
3,076	6,708	3,661	841	1,685	953	484	3,004	24,895 5	166 34 120 00
1,494	3,756	3,187	741	1,167	818	484	2,604	15,496 5	205 73 120 00
278 368	2,125 370	128 292						3,467 1,030	152 19 161 57
936	455	54	100	518	135		400	400 4,502	300 00 140 15
459 23	754 14	2,749 15	5,054 7	1,321 12	2,495 3	348	1,791 3	15,595 700	223 94 91 47
1,390 55	1,499 40	1,024 20	83	125	14	5		6,992 2,246	135 67 103 71
1,337 1,164 173	2,612 1,025 1,587	1,777 676 1,101	420 126 294	1,055 225 830	95 20 75	2 2	307 304 3	8,735 4,641 4,144	169 19 156 12 133 82
327 9	835	354 1	304 2	219 3	11		3,136 402	5,709 461	338 63 466 91
668	1,771	910	813	1,606	441	9	178	7,805 25	179 74 41 06
1,267 9	979 9	782 20	25	68	73		46	4,721 460	139 75 86 33
780	712	295		6			2	2,524 75	124 36 78 00
537 9	267 9	487 20	25	63	78		44	2,197 375	146 05 88 60
54 2	883 9	1,925 2	1,222 1	1,313	1,274	10	20	6,964 17	202 99 159 56
726 2	864 215	278 54	79 8	101 38	82 14	125 124	443 439	3,757 665	166 60 330 56
515 206 3	215 149	111 113		1 64	3 65		4	1,428 1,059 585	128 40 151 92 94 48
24,511 177	33,077 401	31,150 53	18,060 10	18,669 30	11,889 3	8,146 2	13,052 405	200,230 9,226	182.63 104.48

New York Labor Bulletin

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September, 1901.

Whole No. 10.

EDITORIAL SUMMARY.

State of Employment. The returns from the labor organizations of New York State for the months of April, May and June show that employment was better than it has been in those months in any one of the past five years. Only 2.3 per cent of unionists were idle throughout this quarter, as compared with 9.4 per cent in 1900 and 3.7 per cent in 1899, which was the lowest percentage for the second quarter hitherto recorded by the Bureau of Labor Statistics. The idleness at the end of June, 1901, was less than it has been at the corresponding date in any year since 1897, with the single exception of 1899; the percentage of unemployed members of labor unions having been, for the day mentioned, 10.9 in 1899, 20.6 in 1900 and 11.9 in 1901. The improvement in the condition of the labor market in the second quarter of 1901 was very general, extending to nearly all industries; the principal exception was in the printing business, in which the quarterly percentage of idleness was slightly larger this year than last. The fact that the unemployment at the end of June was somewhat greater in 1901 than in 1899 was partly due to labor disputes like the machinists' strike for the nine-hour day and partly to the stoppage of factories at that time on account of the excessive heat.

Building Operations. In Buffalo and Rochester both the number and cost of buildings authorized to be constructed showed a considerable decrease in the second quarter of 1901 as compared with the corresponding period of 1900, while in Syra-

cuse there was an increase. In New York City there was a very large increase as a consequence of the rush of builders of tenement houses to file plans before April 12, when the new Tenement House Act went into force. This rush began in the first quarter of the year, as noted in the JUNE BULLETIN; and in April 1,670 plans were filed as compared with 576 in April, 1900. An unusually large number of buildings was commenced in April, May and June of the present year.

**Tenement
House
Legislation.**

Contrary to the expectations of some persons, the new Tenement House Act has not stopped the building of tenements; on the contrary, it is said that plans for tenements costing nearly \$1,000,000 were filed within a few weeks after the Act became effective. These new tenements, it need hardly be said, will be greatly superior to the old ones, especially as respects the amount of light and air provided. In place of a twenty-eight inch air-shaft, which had come to be the only means of lighting and ventilating most tenement rooms, the new buildings will have wide, open courts such as have long been required by the building regulations of Buffalo, Philadelphia and other cities. Dark halls and stairways are also to be abolished in the new tenements by outside windows and in the old buildings by the substitution of glass panels for wooden panels in the doors enclosing them. The analysis of the new Act, which is reprinted in the BULLETIN, also shows the importance of the new provisions for the suppression of vice in tenement houses; the aim of the law being to make landlords responsible for the presence of disorderly women in tenements. Numerous evictions have already taken place under the Act. Another important advance made in tenement-house legislation is the establishment of a Tenement House Department by chapter XIX A of the amended New York City charter. It is of the first importance not only to working people themselves but to the body politic that housing conditions should be high grade, like those in Buffalo, rather than insanitary, dark, crowded and unpleasant, like the present type of tenement in New York City.

**Growth of
Trade
Unionism.**

In the months of April, May and June the labor organizations of this State made a net gain of 10,715 in membership and attained the largest aggregate thus far reported—255,630, of whom 10,982 were women. This is an increase of more than 100,000 since June, 1897, and it is largely due to the spread of unionism in the interior of the State, as New York City has for some time been well “organized.” Since 1898 New York City has gained fewer than 30,000 members; while the remainder of the State has gained 55,000 and has now for the first time an aggregate membership exceeding 100,000. In the second quarter of 1901 the trades making the largest gains in membership were the clothing, theatrical and building trades in New York City and the metal and building trades in the interior towns and cities.

Immigration.

A large increase in immigration at the Port of New York is shown by the BULLETIN's statistics for the second quarter of 1901, in which the number of arrivals was 161,550, as compared with 69,783 in the first quarter of 1901 and with 140,344 in the second quarter of 1900. Southern Italians retained the lead among the races represented, having contributed more than one-third of the total immigration.

**Industrial
Disputes.**

The descriptive accounts of trade disputes in this BULLETIN include the two months' strike of the street and building laborers in Rochester, which terminated July 12, and resulted in an advance of wages from eighteen and three-fourths cents to twenty cents an hour for the street laborers; the quarrymen's dispute in Orleans county, which led to the signing of an agreement by the employers' and employees' associations to be in force until the first of January next; the Jamestown street railway strike, begun on May 30th and not actually settled at the pres-

ent writing; the unsuccessful strike of the Tupper Lake saw-mill employees for a reduction of hours; two strikes for increased wages among the Niagara Falls paper makers, which were compromised; and smaller disputes among the Buffalo longshoremen, Buffalo structural iron workers and Rochester railway shopmen. In all these disputes mediation was offered by the State Board of Mediation and Arbitration, and in some of them its intervention was successful in effecting a settlement. The BULLETIN also contains the umpire's decision in the New York City bricklayers' dispute, and a statement by the president of the International Association of Machinists respecting the general strike of that union for a nine-hour day, according to which the Association has made satisfactory settlements with 328 firms in this State employing 15,325 machinists. The terms of settlement are not reported.

**Nine-Hour
Day
in Austria.**

The great coal miners' strike of last year in Austria apparently failed at the time, but nevertheless brought about the passage of a law restricting to nine hours the length of the workday in coal mines. Although the strikers demanded eight hours, they have secured important gains, for only twenty-nine per cent of them at present enjoy the nine-hour day, while fifty-four per cent work ten hours, ten per cent eleven hours and seven per cent twelve hours.

**Strikes in
France and
Germany.**

Official reports show that there were 902 strikes and lockouts in France last year, directly involving 222,714 working people, who lost 2,645,053 days' work; the industries that suffered most were textiles, transportation and mining. In Germany the official statistics for the same year record 1,433 strikes and 38 lockouts; the largest number of strikers was 122,803. A recent law has considerably extended the functions of the industrial courts with the purpose of enhancing their efficiency as boards of conciliation and arbitration in collective disputes.

**Judicial
Decisions.**

The validity of the eight-hour law still remains unsettled, but the Court of Appeals has decided a case in which that law was involved and has therein removed any doubts inspired by its decision upon the prevailing-rate-of-wages law in the case of *Rodgers vs. Coler*. In the case of *Lentilhon vs. Coler* the court holds that the former decision did *not* determine the validity or invalidity of the eight-hour law,—an issue which remains to be tried. The BULLETIN also recites the points in dispute in the trial for conspiracy (boycott) of members of a Canandaigua retail clerks' union, who were acquitted. In two of the cases cited under employers' liability, provisions of the Factory Act were involved.

REVIEW OF RETURNS FROM LABOR ORGANIZATIONS FOR QUARTER ENDED JUNE 30, 1901.

I. Number and Membership.

The following table exhibits the increase in number of organizations and the fluctuations in membership between June 30, 1897 and 1901:

TABLE 1.

Date.	Organizations.	MEMBERSHIP.			MEMBERS IN—	
		Men.	Women.	Total.	N. Y. City.	Other towns.
1897. June 30.....	976	147,106	4,101	151,206	.....	.....
1898. June 30.....	1,079	164,902	7,538	172,340	126,871	45,469
1899. June 30.....	1,210	180,756	7,699	188,455	180,684	57,771
1900. June 30.....	1,602	236,770	10,783	247,553	153,337	94,215
1900. September 30.....	1,635	233,553	11,838	245,391	154,504	90,877
1900. December 31.....	1,679	233,080	10,404	243,484	150,278	93,206
1901. March 31.....	1,748	234,792	10,123	244,915	149,849	95,066
1901. June 29.....	1,805	244,648	10,962	255,610	155,290	100,340

It appears that the organization of labor proceeded favorably in the second quarter of this year and that at its close the aggregate membership was larger than it has ever been before. The multiplication of unions which has been going on without interruption since 1897 resulted in a net gain of 62 organizations,—or about the same increase as in the preceding quarter (64). But whereas the first quarter of 1901 brought with it an increase in membership of 2,500, the second quarter yielded a net gain of 10,715 and set a new mark for the aggregate membership of New York labor unions, namely 255,630. The highest figure previously attained was in June, 1900, when the aggregate membership was 247,552. Membership then declined, at first because of the collapse of weak organizations in Western New York and subsequently on account of losses in New York City. But in the three months now under consideration the metropolis gained 5,441 members and attained an aggregate of 155,290, which is about 800 above its highest previous mark, attained at the end of September, 1900. The interior towns of the State gained 5,274 members, which is somewhat more than the usual quarterly increase.

It will be noticed in Table 1 that the number of female mem-

bers of labor unions increased by 860, but nevertheless still remains somewhat below the figures of September, 1900.

While 62 was the net gain in number of unions in the second quarter of 1901, the total number of new unions recorded was 109, inasmuch as 47 of the old unions lapsed or were amalgamated with other organizations within the quarter. In the interior towns the total number of new unions was 102, but owing to the dissolution of 36 unions and the amalgamation of 3 more, the actual or net gain was 63. In New York City the total number of new unions was 7, but on account of the dissolution of 6 organizations and the amalgamation of 2 others, the metropolis actually lost ground in respect of number of unions, notwithstanding its gain of more than 5,000 in membership. The losses were in the building, clothing and transport trades, as appears in

TABLE 2.
NUMBER AND MEMBERSHIP OF LABOR UNIONS, BY INDUSTRIES.

GROUPS OF TRADES.	ORGANIZATIONS.					MEMBERSHIP, JUNE 29.			
	Mar. 31.	June 29.	In- crease.	Increase in		Men.	Women.	Total.	Increase (+) or decrease (-) in 3 mos.
				N. Y. City.	Other towns.				
Building, stone work- ing, etc.....	498	506	18	a1	14	83,901	.....	83,901	2,987+
Clothing and tex- tiles.....	185	143	7	.....	7	21,151	6,305	27,856	2,343+
Metals, machinery, etc.....	302	314	12	a3	15	35,008	25	35,083	2,869+
Transportation.....	229	229	.....	a1	1	32,741	3	32,744	288+
Printing, binding, etc.....	94	96	2	.....	2	16,316	878	17,694	37+
Tobacco.....	55	56	1	.....	1	7,948	2,663	10,601	560+
Food and liquors....	112	114	2	1	1	9,263	.....	9,263	622—
Theaters and music..	33	36	3	.....	3	10,545	693	11,237	1,417+
Wood working and furniture.....	63	68	5	2	3	7,909	22	7,981	756—
Restaurants and re- tail trade.....	81	89	8	.....	3	6,548	483	7,081	637+
Public employment.	61	66	5	.....	5	7,950	11	7,661	610+
Miscellaneous.....	85	89	4	1	3	5,178	.....	5,178	605+
Total.....	1,743	1,805	62	a1	63	244,648	10,932	255,690	10,715+

a Decrease.

In the State as a whole, the largest increase in organizations is found in the metal, building, restaurant and clothing trades; while as regards the increase in membership these industries also take first rank except for the substitution of the theatrical trades for restaurants. The increase in the last mentioned group of trades is largely in New York City, as appears below:

TABLE 3.

GROUPS OF TRADES.	Sex.	NEW YORK CITY.			OTHER CITIES AND TOWNS.		
		Mar. 31, 1901.	June 29, 1901.	Increase or decrease.	Mar. 31, 1901.	June 29, 1901.	Increase or decrease.
1. Building, stone working, etc ...	M	59,730	60,687	957+	21,484	23,214	1,730+
2. Clothing and textiles.....	M	13,878	15,741	1,863+	5,276	5,410	134+
	F	2,848	2,737	79+	3,211	3,478	267+
3. Metals, machinery, etc	M	15,308	15,938	630+	16,821	19,070	2,249+
	F	15	25	10+	.....	.....	.....
4. Transportation	M	10,287	10,896	609+	23,164	21,845	319—
	F	5	3	2—	.....	.....	.....
5. Printing, binding, etc	M	13,889	13,699	190—	2,991	3,117	126+
	F	512	498	14—	265	380	115+
6. Tobacco	M	4,138	4,405	277+	3,421	3,533	112+
	F	2,344	2,530	186+	128	133	5+
7. Food and liquors	M	5,811	4,807	804—	4,574	4,456	118—
	F	7,530	8,581	1,051+	1,798	1,964	166+
8. Theaters and music	M	460	637	197+	82	35	9+
	F	5,900	4,997	903—	2,763	2,912	150+
9. Wood working and furniture...	M	.....	.....	.....	25	22	3—
	F	1,168	1,387	169+	4,765	5,211	446+
10. Restaurants and retail trade...	M	226	255	29+	235	228	7—
	F	5,875	6,507	632+	1,159	1,143	16—
11. Public employment.....	M	7	.....	7—	10	11	1+
	F	638	1,000	372+	3,945	4,178	233+
12. Miscellaneous	M	143,632	146,595	4,963+	91,180	96,053	4,893+
	F	8,217	8,693	478+	3,906	4,287	381+
	T	149,849	155,290	5,441+	95,086	100,340	5,274+
Total							

Of the total increase in membership in the building trades (2,687), slightly more than one-third, was in New York City. The increase of 1,730 in the remainder of the State was distributed among many trades; the carpenters, with several new unions, largely contributed to this increase, while the building laborers' unions in Rochester, Syracuse and Utica also made gains.

In the clothing trades, Group 2, most of the gain of 2,343 in membership was in the metropolis, outside of which the only noteworthy change was caused by the organization of five new glove makers' unions, with a total membership of 370, among the Johnstown-Gloversville women. On the other hand, the Hornellsville silk glove makers' union, with 110 female members, disappeared.

In the metal trades, Group 3, the increase of 2,889 was chiefly contributed by the "up-State" unions. Five new unions of "allied metal mechanics," a new organization of machinists' helpers and "handy men" in machine shops, added 700 to the membership, and the machinists themselves nearly as many more. A new union of metal polishers added about 100 members, while the stationary engineers gained nearly 400 members.

The transport trades, Group 4, gained in the aggregate only 288 members; but there were many changes among the individual

trades. In New York City the street railway men gained, 100 and the freight handlers, truckmen, etc., 500. In the remainder of the State, the railroad organizations gained 600; the street railway employees' unions gained 200, largely by the accession of three new organizations; the Buffalo seamen's union gained 600 new members. But this aggregate increase of 1,400 was counter-balanced by a loss of 1,700 in the freight handlers' organizations, one Buffalo longshoremen's union with 1,100 members having virtually gone to pieces as a consequence of its failure to secure a contract for freight handling.

The New York City unions in the printing trades, Group 5, lost 204 members, which was more than made good by gains of 241 in the interior towns.

The tobacco trades unions gained 580, of which 463 was in New York City.

The food and liquor trades, Group 7, lost 622, of which 504 was in New York City and 118 in the interior towns.

The unusual increase in the theatrical trades, 1,417, was mostly in the metropolis; but three new musicians' unions in the interior added over 150 to the membership.

The decline in the furniture and wood working trades, Group 9, was in New York City, outside of which a slight increase is to be observed.

In Group 10, several new unions of bartenders and clerks brought about an increase of 637.

The increase in Group 11, public employment, is entirely in New York City, while that in the miscellaneous group is divided between the metropolis and the interior. The barbers, who are in Group 12, made a gain of nearly 300, or about one-half the total increase in that group.

The increased number of female members of unions (859) is explained by gains in the theatrical, tobacco and clothing trades of New York City and the glove making trades of Fulton county.

II. Unemployment.

Of even wider interest than the statistics of the progress of organized labor are reports which the unions make concerning the employment of their members, as such reports portray the condition of the labor market and the prosperity, or lack of pros-

perity, of all workingmen in the mechanical trades, whether organized or unorganized:

TABLE 4.
NUMBER AND PERCENTAGE OF MEMBERS OF LABOR UNIONS IDLE—

	AT THE END OF JUNE.		DURING SECOND QUARTER.	
	Number.	Percentage.	Number.	Percentage.
1897.....	27,378	18.1	17,877	11.8
1898.....	35,648	20.7	10,273	6.0
1899.....	20,141	10.9	6,780	3.7
1900.....	49,399	20.6	22,541	9.4
1901.....	29,181	11.9	5,574	2.3

This table shows that the conditions of employment in this State in the second quarter of 1901 were unusually favorable. It involved by far the least amount of continuous idleness thus far recorded at that season of the year, the total number who were idle throughout the quarter having been 5,574 or 2.3 per cent of the members reporting. The lowest figure for this quarter in preceding years was 3.7 in 1899. It may be remarked in passing that in the third quarter of 1899 the percentage of continuous idleness was 2.3, which is identical with that of the quarter now under examination.

The number of unionists idle at the end of the quarter was 29,181, or 11.9 per cent of all reporting. As the table above shows, this was a comparatively favorable showing, having been surpassed only in 1899. It is to be remembered that these percentages really exaggerate the amount of unemployment, because many members of trade unions who are reported as unemployed at their trades find work in some other trades; this applies particularly to the more unskilled occupations.

The following table gives the figures for the metropolis and the interior towns separately:

TABLE 5.
PERCENTAGE OF UNEMPLOYMENT—SECOND QUARTER.

	END OF QUARTER.			DURING ENTIRE QUARTER.		
	1899.	1900.	1901.	1899.	1900.	1901.
New York City	13.3	25.5	14.1	4.0	18.1	3.1
Interior towns.....	5.6	12.6	8.6	2.9	3.0	1.0

In the metropolis, the state of employment in the second quarter of 1901 very closely resembled that in 1899, while in the remainder of the State the conditions were less similar. One observes that the amount of idleness at the end of June was considerably larger, in the interior towns, in 1901 than in 1899. Two

principal causes explain this difference—the machinists' strike for the nine-hour day and the excessively hot weather about the end of June that caused many factories to close down.

In the following table the comparison between 1899, 1900 and 1901 is extended to each of the twelve groups of trades:

TABLE 6.
IDLENESS OF MEMBERS OF LABOR ORGANIZATIONS—

	AT END OF JUNE.				DURING SECOND QUARTER.			
	Number.	Percentage.			Number.	Percentage.		
	1901.	1901.	1900.	1899.	1901.	1901.	1900.	1899.
1. Building, stone working, etc.....	10,150	12.2	24.0	10.0	1,811	2.2	12.9	5.1
2. Clothing and textiles.....	7,680	28.2	44.7	19.6	1,199	4.5	15.6	0.5
3. Metals, machinery, etc.	3,516	10.2	10.5	3.4	871	1.1	1.9	1.0
4. Transportation	1,506	5.7	12.0	3.7	385	0.7	4.2	2.1
5. Printing, binding, etc.....	1,538	8.7	5.0	6.8	1,189	6.8	6.2	4.6
6. Tobacco.....	719	6.8	28.4	5.2	99	0.9	27.3	4.9
7. Food and liquors	746	8.3	12.2	10.0	235	2.6	8.4	6.7
8. Theaters and music	1,184	16.2	26.4	49.9	146	1.9	2.1	8.1
9. Wood working and furniture.....	945	12.0	21.0	19.3	51	0.7	9.8	7.6
10. Restaurants and retail trade.....	178	2.9	4.7	12.1	56	0.9	3.1	0.2
11. Public employment	438	5.7	2.0	5.1	2	0.0+	0.2	5.0
12. Miscellaneous.....	331	8.3	10.1	9.6	30	0.7	1.5	0.0
Total	29,181	11.9	20.6	10.9	5,574	2.3	9.4	3.7

In the first six groups and in the eleventh the percentage of unemployment at the end of June was larger in 1901 than in 1899, while in the remaining five groups it was smaller. The widest differences are found in groups 2 and 3, the causes of which have just been explained by the closing of several textile factories on account of heat and by the strike of the machinists. The comparison between 1901 and 1900 is altogether to the advantage of the present year in every group excepting public employment and printing.

As to continuous idleness throughout the quarter, the comparison favors 1901 in nearly all industries. In the clothing trades, however, the phenomenal small amount of idleness in the second quarter of 1899 is not repeated in 1901.

More detailed figures will be found in the following summary tables:

TABLE I.—NUMBER AND MEMBERSHIP OF UNIONS.

[June 29, 1901.]

INDUSTRIES.	NUMBER OF UNIONS.			Sex.	MEMBERSHIP OF UNIONS.		
	New York City.	Remainder of the State.	New York State.		New York City.	Remainder of the State.	New York State.
1. Building, Stone Working, Etc.....	175	331	506	M	60,687	23,214	83,901
Stone working.....	12	23	35	M	4,190	1,103	5,293
Brick and cement making.....	.....	8	8	M	.....	701	701
Building and paving trades.....	140	280	420	M	42,889	19,480	62,379
Building and street labor.....	23	20	43	M	13,608	1,920	15,528
2. Clothing and Textiles.....	48	94	142	M	15,741	5,410	21,151
Garments.....	34	38	72	M	7,787	3,478	11,265
Hats, caps and furs.....	7	6	13	M	13,495	1,900	15,395
Boots, shoes, gloves, etc.....	5	15	20	M	2,652	1,953	4,605
Shirts, collars, cuffs and laundry.....	2	15	17	M	1,233	425	1,658
Textiles.....	.....	20	20	M	75	93	168
3. Metals, Machinery and Shipbuilding.....	86	228	314	M	15,938	19,070	35,008
Iron and steel.....	33	167	200	M	7,088	14,938	22,026
Metals other than iron and steel.....	16	16	32	M	1,801	683	2,484
Engineers and firemen.....	27	41	68	M	5,572	3,187	8,759
Shipbuilding.....	10	4	14	M	1,477	812	2,289
4. Transportation.....	42	187	229	M	10,896	21,845	32,741
Railroads.....	20	134	154	M	3	14,210	14,213
Street railways.....	1	6	7	M	2,800	942	3,742
Coach drivers, etc.....	4	5	9	M	845	414	1,259
Seamen, pilots, etc.....	1	1	2	M	423	2,800	3,223
Freight handlers, truckmen, etc.....	16	41	57	M	4,087	3,679	7,766
5. Printing, Binding, Etc.....	29	67	96	M	13,699	3,117	16,816
6. Tobacco.....	13	43	56	M	4,405	3,582	7,987
7. Food and Liquors.....	35	79	114	M	2,530	135	2,665
Food preparation.....	23	38	61	M	4,807	4,456	9,263
Malt liquors and mineral waters.....	12	43	55	M	2,701	2,043	4,744
8. Theaters and Music.....	13	23	36	M	2,106	2,413	4,519
9. Wood Working and Furniture.....	28	40	68	M	8,581	1,964	10,545
10. Restaurants and Retail Trade.....	14	75	89	M	657	35	692
Hotels and restaurants.....	8	31	39	M	4,997	2,912	7,909
Retail trade.....	6	44	50	M	.....	23	23
11. Public Employment.....	16	50	66	M	1,327	5,211	6,538
12. Miscellaneous.....	10	79	89	M	556	523	1,079
Glass.....	3	12	15	M	706	2,194	2,900
Barbering.....	2	29	31	M	.....	85	85
Other distinct trades.....	5	34	39	M	631	3,017	3,648
Mixed employment.....	.....	14	14	M	556	143	699
GRAND TOTAL.....	609	1,296	1,905	M	6,507	1,143	7,650
				F	.....	11	11
				T	148,595	98,052	246,647
					6,026	4,837	10,863
					155,290	100,340	255,630

TABLE II.—UNEMPLOYMENT: (a) NEW YORK CITY.

[June 29, 1901.]

INDUSTRIES.	Sex.	IDLENESS ON LAST DAY OF QUARTER.			IDLENESS DURING ENTIRE QUARTER.		
		Members reporting.	Number idle.	Per cent idle.	Members reporting.	Number idle.	Per cent idle.
1. Building, Stone Working, Etc.	M	60,447	7,537	12.5	60,447	1,553	2.6
Stone working	M	4,190	282	6.8	4,190	52	1.2
Building and paving trades	M	42,649	6,595	15.5	42,649	1,501	3.5
Building and street labor	M	13,608	680	5.0	13,608	.....	.....
2. Clothing and Textiles	M	15,654	5,770	36.9	15,654	993	6.3
	F	2,787	1,125	41.3	2,787	103	3.6
Garments	M	13,495	5,479	40.6	13,495	929	6.9
	F	2,652	1,035	41.5	2,652	103	3.9
Hats, caps and furs	M	1,166	106	9.1	1,166	54	4.6
	F	76	35	46.7	76	.....	.....
Boots, shoes, gloves, etc.	M	418	40	9.6	418	.....	.....
	F	20	6	30.0	20	.....	.....
Shirts, collars, cuffs and laundry	M	575	145	25.2	575	.....	.....
3. Metals, Machinery and Shipbuilding	M	15,708	950	6.0	15,708	182	0.8
	F	26	.....	.....	26	.....	.....
Iron and steel	M	6,858	597	8.7	6,858	15	0.2
	F	1,801	142	7.9	1,801	100	5.6
Metals other than iron and steel	M	26	.....	.....	26	.....	.....
Engineers and firemen	M	5,572	79	1.4	5,572	6	0.1
Shipbuilding	M	1,477	132	8.9	1,477	11	0.7
4. Transportation	M	8,504	709	8.3	8,504	233	2.7
	F	3	.....	.....	3	.....	.....
Railroads	M	2,739	81	3.0	2,739	34	1.2
	F	3	.....	.....	3	.....	.....
Street railways	M	2,800	.....	.....	2,800	.....	.....
Coach drivers, etc.	M	845	95	11.2	845	55	6.5
Seamen, pilots, etc.	M	425	25	5.9	425	.....	.....
Freight handlers, truckmen, etc	M	1,695	508	30.0	1,695	144	8.5
5. Printing, Binding, Etc.	M	13,699	1,388	10.1	13,699	1,125	8.2
	F	498	23	4.6	498	23	4.6
6. Tobacco	M	4,405	273	6.5	4,405	74	1.7
	F	2,530	273	10.8	2,530	.....	.....
7. Food and Liquors	M	4,607	462	10.0	4,607	176	3.8
Food preparation	M	2,501	315	12.6	2,501	71	2.8
Malt liquors and mineral waters	M	2,106	147	7.0	2,106	105	5.0
8. Theaters and Music	M	5,881	987	16.8	5,881	111	2.1
	F	667	58	8.8	667	14	2.1
9. Wood Working and Furniture	M	4,966	756	15.2	4,966	41	0.8
10. Restaurants and Retail Trade	M	1,337	66	4.9	1,337	1	0.1
	F	255	11	4.3	255	.....	.....
Hotels and restaurants	M	706	59	8.4	706	1	0.1
Retail trade	M	631	7	1.1	631	.....	.....
	F	255	11	4.3	255	.....	.....
11. Public Employment	M	6,507	397	6.1	6,507	.....	.....
12. Miscellaneous	M	780	7	0.9	780	6	0.8
Glass	M	107	.....	.....	107	.....	.....
Barbering	M	170	.....	.....	170	.....	.....
Other distinct trades	M	503	7	1.4	503	6	1.2
GRAND TOTAL	M	141,995	19,402	13.7	141,995	4,435	3.1
	F	6,695	1,490	22.5	6,695	140	2.1
	T	148,690	20,892	14.1	148,690	4,575	3.1

TABLE II.—UNEMPLOYMENT: (b) THE STATE OUTSIDE OF NEW YORK.

[June 29, 1901.]

INDUSTRIES.	Sex.	IDLENESS ON LAST DAY OF QUARTER.			IDLENESS DURING ENTIRE QUARTER.		
		Members reporting.	Number idle.	Per cent idle.	Members reporting.	Number idle.	Per cent idle.
1. Building, Stone Working, Etc.	M	22,744	2,618	11.5	22,699	258	1.1
Stone working	M	1,045	484	46.3	1,065	5	0.5
Brick and cement making	M	686	142	20.4	690		
Building and paving trades	M	19,108	1,455	7.6	19,153	251	1.3
Building and street labor	M	1,895	532	28.1	1,785	2	0.1
2. Clothing and Textiles	M	5,340	517	9.0	5,306	82	1.5
	F	5,478	263	7.7	5,065	31	1.0
Garments	M	1,585	62	3.9	1,580	15	0.9
	F	1,963	85	4.4	1,953	31	1.6
Hats, caps and furs	M	425	38	8.9	425	38	8.9
	F	93			93		
Boots, shoes, gloves, etc	M	1,573	31	2.0	1,571		
	F	555	30	5.6	165		
Shirts, collars, cuffs and laundry	M	835	55	6.6	832	16	1.9
	F	247	68	25.1	247		
Textiles	M	922	331	35.9	898	13	1.4
	F	660	91	14.0	607		
3. Metals, Machinery and Shipbuilding	M	18,605	2,566	13.8	18,183	239	1.3
Iron and steel	M	14,490	2,315	16.0	14,068	212	1.5
Metals other than iron and steel	M	683	62	9.1	683	7	1.0
Engineers and firemen	M	3,120	98	3.1	3,120	20	0.6
Shipbuilding	M	812	91	29.2	312		
4. Transportation	M	21,409	997	4.7	21,406	152	0.7
Railroads	M	13,920	507	3.6	13,917	85	0.6
Street railways	M	894	57	6.4	894		
Coach drivers, etc	M	414	10	2.4	414		
Seamen, pilots, etc	M	2,600	100	3.8	2,600		
Freight handlers, truckmen, etc.	M	3,581	323	9.0	3,581	67	1.9
5. Printing, Binding, Etc.	M	3,106	128	4.0	3,096	40	1.3
	F	380	4	1.1	296	1	0.3
6. Tobacco	M	3,512	71	2.0	3,506	23	0.7
	F	135	2	1.6	132	2	1.5
7. Food and Liquors	M	4,427	284	6.4	4,426	59	1.3
Food preparation	M	2,014	41	2.0	2,013	23	1.1
Malt liquors and mineral waters	M	2,413	243	10.1	2,413	36	1.5
8 Theaters and Music	M	1,247	139	11.1	1,474	21	1.4
	F	7			8		
9. Wood Working and Furniture	M	2,909	189	6.5	2,779	10	0.4
	F	22			22		
10. Restaurants and Retail Trade	M	4,296	101	2.3	4,270	55	1.3
	F	226			226		
Hotels and restaurants	M	2,194	86	3.9	2,169	51	2.4
	F	85			85		
Retail trade	M	2,102	15	0.7	2,101	4	0.2
	F	141			111		
11. Public Employment	M	1,143	36	3.1	1,128	2	0.2
	F	11	5	45.5	11		
12. Miscellaneous	M	3,807	374	9.8	3,762	24	0.6
Glass	M	430	211	49.1	397		
Barbering	M	1,538	14	0.9	1,526	6	0.4
Other distinct trades	M	894	14	1.6	894	12	1.3
Mixed employment	M	945	135	14.0	945	6	0.6
GRAND TOTAL	M	92,545	8,010	8.7	92,035	965	1.0
	F	4,257	279	6.6	3,760	34	0.9
	T	96,802	8,289	8.6	95,795	999	1.0

TABLE II.—UNEMPLOYMENT: (c) THE ENTIRE STATE.

[June 29, 1901.]

INDUSTRIES.	Sex.	IDLENESS ON LAST DAY OF QUARTER.			IDLENESS DURING ENTIRE QUARTER.		
		Members report- ing.	Number idle.	Per cent idle.	Members report- ing.	Number idle.	Per cent idle.
1. Building, Stone Working, Etc.	M	83,191	10,150	12.2	83,146	1,811	2.2
Stone working.....	M	5,235	746	14.3	5,255	57	1.1
Brick and cement making.....	M	696	142	20.4	696	.....	.....
Building and paving trades.....	M	61,757	8,050	13.0	61,802	1,752	2.8
Building and street labor.....	M	15,503	1,212	7.8	15,393	2	0.0+
2. Clothing and Textiles.....	M	20,994	6,287	29.9	20,960	1,065	5.1
	F	6,205	1,393	22.4	5,797	154	2.3
Garments.....	M	15,080	5,541	36.7	15,075	944	6.3
	F	4,585	1,170	25.5	4,535	134	2.9
Hats, caps and furs.....	M	1,591	144	9.1	1,591	92	5.8
	F	168	35	20.8	168	.....	.....
Boots, shoes, gloves, etc.....	M	1,991	71	3.6	1,989	.....	.....
	F	555	35	6.3	185	.....	.....
Shirts, collars, cuffs and laundry	M	1,410	200	14.2	1,407	16	1.1
	F	247	68	25.1	247	.....	.....
Textiles.....	M	922	331	35.9	898	13	1.4
	F	650	91	14.0	607	.....	.....
3. Metals, Machinery and Ship- building.....	M	34,813	3,516	10.2	33,891	371	1.1
	F	25	.....	.....	25	.....	.....
Iron and steel.....	M	21,348	2,912	13.6	20,928	227	1.1
	F	2,444	204	8.2	2,484	107	4.3
Metals other than iron and steel	M	25	.....	.....	25	.....	.....
Engineers and firemen.....	M	8,692	177	2.0	8,692	26	0.3
Shipbuilding.....	M	1,789	223	12.5	1,789	11	0.6
4. Transportation.....	M	29,913	1,706	5.7	29,910	385	1.3
	F	3	.....	.....	3	.....	.....
Railroads.....	M	16,059	588	3.5	16,656	119	0.7
	F	3	.....	.....	3	.....	.....
Street railways.....	M	2,694	57	1.5	3,694	.....	.....
Coach drivers, etc.....	M	1,250	105	8.3	1,250	65	4.4
Seamen, pilots, etc.....	M	3,025	125	4.1	3,025	.....	.....
Freight handlers, truckmen, etc.	M	5,276	831	15.8	5,276	211	4.0
5. Printing, Binding, Etc.....	M	16,805	1,511	9.0	16,795	1,165	6.9
	F	878	27	3.1	794	24	3.0
6. Tobacco.....	M	7,917	444	5.6	7,911	97	1.2
	F	2,663	275	10.3	2,662	2	0.1
7. Food and Liquors.....	M	9,034	746	8.3	9,033	235	2.6
Food preparation.....	M	4,515	356	7.9	4,514	94	2.1
Malt liquors and mineral waters	M	4,519	390	8.6	4,519	141	3.1
8. Theaters and Music.....	M	6,628	1,126	17.0	6,855	132	1.9
	F	664	68	8.7	665	14	2.1
9. Wood Working and Furni- ture.....	M	7,875	945	12.0	7,745	51	0.7
	F	22	.....	.....	22	.....	.....
10. Restaurants and Retail Trade.....	M	5,633	167	3.0	5,607	56	1.0
	F	451	11	2.3	451	.....	.....
Hotels and restaurants.....	M	2,900	145	5.0	2,975	52	1.8
	F	85	.....	.....	85	.....	.....
Retail trade.....	M	2,733	22	0.8	2,732	4	0.1
	F	396	11	2.8	396	.....	.....
11. Public Employment.....	M	7,650	483	5.7	7,635	2	0.0+
	F	11	5	45.5	11	.....	.....
12. Miscellaneous.....	M	4,587	381	8.3	4,542	30	0.7
Glass.....	M	537	211	39.3	504	.....	.....
Barbering.....	M	1,708	14	0.8	1,696	6	0.4
Other distinct trades.....	M	1,397	21	1.5	1,397	18	1.3
Mixed employment.....	M	945	135	14.3	945	6	0.6
GRAND TOTAL.....	M	234,540	27,413	11.7	234,030	5,400	2.3
	F	10,952	1,769	16.2	10,455	174	1.7
	T	245,492	29,181	11.9	244,485	5,574	2.3

STATISTICS OF BUILDING OPERATIONS.

I. New York City.

The new Tenement-House Law, which in many respects has changed the methods of construction, went into effect in April, and the marked increase, both as to the number and estimated cost of new buildings, in that month over last year was caused by the continuance of the rush of builders to file their plans before the statute became operative. The movement having subsided before the advent of May, a pronounced falling off is noticeable in that month, as well as in June.

In the number of new buildings and alterations for which permits were issued during the quarter ending June 30, 1901, there was a gain of 19 per cent over the similar period of last year, while the cost exhibits an increase of 110 per cent. An increase of 53 per cent is shown in the number of new buildings commenced and a decrease of 11 per cent in the number of remodeled structures begun. Decreases of 27 per cent and 21 per cent, respectively, are noted in the number of new and altered buildings completed. The totals of new and remodeled buildings for the corresponding quarters ending in June were: 1900—3,956 buildings; cost, \$28,089,512; commenced, 3,772; completed, 3,840. 1901—4,721 buildings; cost, \$58,861,213; commenced, 4,425; completed, 2,905.

COMPARATIVE STATEMENT OF THE NUMBER OF NEW AND REMODELED BUILDINGS FOR WHICH PLANS WERE APPROVED, THEIR ESTIMATED COST, AND THE NUMBER COMMENCED AND COMPLETED, DURING APRIL, MAY AND JUNE, 1900 AND 1901.

MONTHS.	NUMBER OF BUILDINGS.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS.			
	1900.	1901.	1900.	1901.	COMMENCED.		COMPLETED.	
					1900.	1901.	1900.	1901.
I. New Buildings:								
April.....	576	1,670	\$8,766,101	\$40,820,409	599	857	692	488
May.....	612	558	7,505,863	5,263,474	537	946	628	529
June.....	598	547	8,736,533	8,300,985	547	768	791	538
Total.....	1,786	2,775	\$25,008,497	\$54,384,868	1,683	2,571	2,111	1,543
II. Alterations:								
April.....	771	761	\$988,883	\$1,476,600	711	614	601	444
May.....	732	643	1,164,654	1,495,726	729	669	536	447
June.....	667	542	1,027,478	1,504,019	649	571	592	471
Total.....	2,170	1,946	\$3,081,015	\$4,476,345	2,089	1,854	1,729	1,362
III. Total of New Buildings and Alterations:								
April.....	1,347	2,431	\$9,654,984	\$42,297,009	1,310	1,471	1,293	927
May.....	1,344	1,201	8,670,517	6,759,200	1,266	1,615	1,164	976
June.....	1,265	1,089	9,764,011	9,805,004	1,196	1,339	1,385	1,009
Total.....	3,956	4,721	\$28,089,512	\$58,861,213	3,773	4,426	3,840	2,905

II. Buffalo, Rochester and Syracuse.

Buffalo.—Whereas the first quarter of 1901, with a large increase in the number and cost of buildings authorized to be constructed, as compared with 1899 and 1900, promised an active season in the Buffalo building trades, the second quarter of 1901 makes a very unfavorable showing as compared with preceding years. The estimated cost of buildings authorized was much less than in the second quarter of 1900 and less than half the corresponding figures for 1899, thus:

BUILDING OPERATIONS IN BUFFALO—APRIL, MAY AND JUNE						
NUMBER OF PERMITS.			ESTIMATED COST.			
	1899.	1900.	1901.	1899.	1900.	1901.
<i>New Buildings:</i>						
April	90	40	78	\$205,492	\$123,595	\$154,867
May	110	57	98	272,256	263,462	165,440
June	78	54	80	341,105	115,615	77,081
Total	278	151	206	\$818,853	\$502,672	\$396,838
<i>Remodeled Buildings:</i>						
April	75	63	61	\$41,591	\$42,652	\$73,000
May	89	70	40	78,398	89,814	31,060
June	82	48	17	245,965	59,570	5,036
Total	246	181	118	\$366,254	\$142,036	\$109,096
<i>New and Remodeled Buildings:</i>						
April	165	103	139	\$247,383	\$166,247	\$227,867
May	199	127	138	350,654	303,276	196,500
June	160	102	47	587,070	175,185	82,117
Total	524	332	324	\$1,185,107	\$644,708	\$506,584

Rochester.—The mere number of buildings authorized to be constructed in the second quarter of 1901 was scarcely inferior to that in the corresponding periods of 1899 and 1900, but the extent of the work to be done, as indicated by the estimated cost of the projected buildings, has fallen off very considerably, thus:

ROCHESTER—QUARTER ENDED JUNE 30.						
NUMBER OF PERMITS.			ESTIMATED COST.			
	1899.	1900.	1901.	1899.	1900.	1901.
New buildings	185	148	148	\$323,600	\$531,010	\$414,073
Remodeled buildings	50	92	87	40,014	72,265	88,596
Total	235	240	235	\$363,614	\$603,275	\$502,669

Syracuse.—The building statistics of Syracuse for the first quarter of 1901 indicated a slight increase in building activity as compared with the corresponding three months of 1900. In the second quarter of 1901 the cost of authorized buildings is nearly 50 per cent greater than in 1900, as indicated below. It

may be added that the second quarter of 1900 was not exceptional, but was almost identical with 1899 in respect of the building statistics:

SYRACUSE—APRIL, MAY AND JUNE.

	NUMBER OF PERMITS.		ESTIMATED COST.	
	1900.	1901.	1900.	1901.
<i>New Buildings:</i>				
April	83	48	\$75,239	\$167,443
May	29	33	61,590	73,835
June	28	22	127,040	176,730
Total	90	103	\$263,799	\$422,703
<i>Additions:</i>				
April	72	64	\$33,475	\$32,715
May	68	74	33,150	31,466
June. ...	53	43	36,130	46,895
Total	213	186	\$102,755	\$110,876
<i>New Buildings and Additions:</i>				
April	105	112	\$108,714	\$200,158
May	117	107	94,670	109,801
June.....	50	70	163,170	223,125
Total	302	289	\$366,554	\$533,084

IMMIGRATION AT THE PORT OF NEW YORK.

A large increase in immigration was recorded for the second quarter of 1901, the arrivals numbering 161,550, as against 140,344 in the corresponding period of last year, and 69,782 in the first three months of 1901.

Southern Italians retained the lead among the thirty-four races represented in the statistical record, 55,026 of that element having landed in April, May and June—more than one-third of the total. The Poles were next, with 19,393, or 12 per cent of the aggregate.

Considering the races whose numbers exceeded 1,500 and comparing the statistics for the quarter ending in June, this year, with those for the like months of 1900, the Ruthenians had the greatest increase—120 per cent, while the Portuguese gained 72 per cent, the Groatians and Slovenians 59 per cent, the Southern Italians 47 per cent, the Greeks 40 per cent, the Magyars 30 per cent, the Slovaks 25 per cent, the Northern Italians 19 per cent, the Germans 18 per cent, the Poles 10 per cent, and the Scandinavians 1 per cent. A falling off of 44 per cent was reported for the Hebrew race. Decrease in the Irish immigration was 26 per cent, and the Finnish arrivals diminished 18 per cent.

Seventy-four per cent of the settlers who arrived during the quarter ending on June 30, 1901, were males and 26 per cent were females, while in that quarter of 1900 70 per cent were males and 30 per cent were females. The most noticeable disproportion of sexes in this year's contingent of newcomers was among the Greeks, 98 per cent of whom were males and 2 per cent were females. The smallest disparity was credited to the Portuguese—52 per cent males and 48 per cent females.

COMPARATIVE STATEMENT, BY RACES, SEXES AND AGES, OF THE VOLUME OF IMMIGRATION AT THE PORT OF NEW YORK FOR THE QUARTERS ENDING JUNE 30, 1900 AND 1901.

RACE OR PEOPLE.	QUARTER ENDING JUNE 30, 1900.					QUARTER ENDING JUNE 30, 1901.					
	SEX.		Total.	AGE.		SEX.		Total.	AGE.		
	Male.	Female.		Under 14 years.	14 to 45.	Male.	Female.		Under 14 years.	14 to 45.	
African (black).....	3	.....	3	1	2	53	9	63	8	56	2
Armenian.....	228	47	275	15	7	11	11	22	11	11	14
Austrian.....	528	518	1,046	175	86	205	43	248	15	214	96
Bosnian and Montenegrin.....	85	1	86	703	88	638	593	1,239	263	868	5
Bulgarian, Serbian, and Montenegrin.....	2,261	849	3,110	83	9	248	35	283	8	270	199
Croatian and Slovenian.....	235	14	2,500	166	114	8,666	791	4,477	261	4,027	17
Cuban.....	730	891	1	1	105	.....	.....	.....	.....	.....	139
Dalmatian, Bosnian, and Herzegovinian.....	1	.....	229	10	106	364	41	305	16	373	5
Dutch and Flemish.....	806	317	1,123	807	105	889	477	1,369	819	901	17
English.....	1,411	753	134	908	81	1,027	437	1,464	218	1,181	115
Equinian.....	1,411	753	183	.....	.....	10	.....	.....	.....	.....	4
French.....	5,043	3,712	1,939	.....	.....	1,196	596	1,792	156	1,589	58
German.....	8,712	1,901	6,399	.....	.....	6,310	246	7,048	100	590	730
Greek.....	1,890	1,901	1,669	.....	.....	2,499	4,026	10,336	1,928	2,673	19
Hebrew.....	6,261	8,144	10,824	.....	.....	4,492	8,767	9,723	2,315	10,574	13
Irish.....	6,196	7,018	13,214	.....	.....	4,453	5,266	9,723	3,356	9,180	287
Italian (North).....	5,317	1,820	6,837	.....	.....	6,540	1,381	7,921	9,180	447	4
Italian (South).....	30,452	6,867	37,309	4,041	30,645	46,792	8,304	55,096	5,936	43,489	4,261
Japanese.....	7	.....	7	5	.....	1	.....	.....	.....	.....	64
Lithuanian.....	3,860	4,946	289	4,573	84	8,983	958	4,841	276	4,511	206
Magyar.....	2,707	8,606	289	3,185	180	8,513	1,171	4,684	357	4,121	1,634
Polish.....	12,331	17,614	1,567	15,664	408	18,764	5,629	19,393	1,634	17,238	476
Portuguese.....	623	482	1,105	761	69	985	919	1,804	534	1,220	150
Rumanian.....	59	5	63	54	16	293	23	318	9	283	16
Russian.....	74	20	94	11	81	114	29	139	1	139	1
Ruthenian (Rusniak).....	663	299	962	.....	.....	1,553	506	2,069	102	1,904	83
Scandinavian (Norwegian, Danish, and Swedish).....	6,487	3,488	9,920	.....	.....	6,715	3,256	10,011	671	8,859	441
Slovak.....	5,762	2,410	771	.....	.....	4,453	5,266	9,723	3,356	9,180	21
Slovenian.....	58	.....	.....	.....	.....	2,709	2,709	10,227	947	8,917	383
Spanish.....	58	.....	.....	.....	.....	107	11	118	8	108	63
Syrian.....	508	384	990	203	43	981	444	1,375	289	1,094	10
Turkish.....	59	2	41	715	40	15	.....	.....	.....	.....	.....
Welsh.....	102	53	155	113	1	90	33	123	7	106	.....
West Indian.....	8	11	19	17	1	.....	.....	.....	.....	.....	.....
Total.....	97,760	43,684	140,344	15,178	119,353	119,673	41,877	161,550	17,077	185,544	8,579

Although the proportion of immigrants destined to New York, Massachusetts and Connecticut during the second quarter of the present year was in excess of that reported for January, February and March, it fell below that of the second quarter of 1900. While Pennsylvania's proportion for the April-June quarter of 1901 was less than that of the preceding three months, it was nevertheless larger than for the quarter ending with June, 1900. New Jersey showed a decreased percentage for the quarter ending June 30, 1901, in comparison with the other quarters named. The proportions for the three periods were:

	SECOND QUARTER.		FIRST QUARTER.
	1900.	1901.	1901.
	Per cent.	Per cent.	Per cent.
New York.....	41.5	37.9	32.3
Pennsylvania.....	16.5	21.3	27.1
Massachusetts.....	8.6	7.3	5.2
New Jersey.....	6.5	6.1	6.6
Connecticut.....	4.0	3.9	2.8

During the first three months of the current year the proportion of newcomers who went to the several divisions of States and Territories outside of the North Atlantic division was 24.5 per cent, while for the corresponding quarters ending in June, 1900 and 1901, the percentages were 20.9 and 22.2, respectively.

In the appended table will be found a statement in detail of the avowed destination of all who arrived at New York during the quarter ended June 30, 1901:

Alabama.....	101	Montana.....	469
Alaska.....	17	Nebraska.....	595
Arizona.....	85	Nevada.....	94
Arkansas.....	21	New Hampshire.....	200
California.....	2,623	New Jersey.....	9,816
Colorado.....	1,096	New Mexico.....	18
Connecticut.....	6,303	New York.....	61,299
Delaware.....	283	North Carolina.....	10
District of Columbia.....	121	North Dakota.....	655
Florida.....	61	Ohio.....	4,767
Georgia.....	49	Oklahoma.....	48
Hawaii.....	2	Oregon.....	187
Idaho.....	68	Pennsylvania.....	34,473
Illinois.....	10,328	Rhode Island.....	1,589
Indiana.....	618	South Carolina.....	4
Indian Territory.....	23	South Dakota.....	553
Iowa.....	1,064	Tennessee.....	48
Kansas.....	598	Texas.....	277
Kentucky.....	65	Utah.....	115
Louisiana.....	130	Vermont.....	251
Maine.....	137	Virginia.....	126
Maryland.....	407	Washington.....	614
Massachusetts.....	11,585	West Virginia.....	764
Michigan.....	3,201	Wisconsin.....	2,233
Minnesota.....	2,566	Wyoming.....	134
Mississippi.....	8		
Missouri.....	851	Total.....	161,550

NEW YORK STATE FREE EMPLOYMENT BUREAU.

Report of Superintendent.

The quarter ending June 30, 1901, finishes the spring season's work and introduces us to the summer trade. During the month of June calls began to come in from out of town for help of all kinds. At no time were we able to meet the demands for waitresses and help of various kinds for hotels, such help being held almost at a premium. One hotel proprietor wrote us to the effect that if the Bureau could not supply him with the required help there was no alternative but to close up his place. This is simply an instance illustrative of existing conditions at the end of the quarter, which would lead us to believe that the hotel season and the out-of-town orders for this year would surpass our former experience.

Very many women who apply for work here are advanced in years—some of them having to begin life anew at a time when in the ordinary course of events rest might be their portion, yet the death of husband and family have forced them to seek labor instead of enjoying the rest and peace of their own family circle. To find a place for such is not easy, yet it is a worthy work to enable such people to be self-sustaining rather than eat the bread of charity. At present there is a decided prejudice against people who show any sign of advanced age. It would appear that experience does not count for as much as it might. And yet when this prejudice is overcome and employers consent to give employment to one who is a little advanced in years the result has been very satisfactory. An employer giving her experience along such lines says that though such employees are not as quick as the younger folk, that in the end the work was done and done as it ought to be, even though it did take a little longer time. It is melancholy to see people who are willing to work, yet, through no fault of theirs, in a state of enforced idleness. It is the old story of being "too proud to beg, too honest to steal."

While attention is given to all orders received no opportunity is let pass by which we could remove a person from amongst those

who are, as it were, unfortunate to live long enough to have their labor no longer a commercial commodity in demand on the market. The work of the State in this direction is along right lines. It makes people feel the fallacy of the charge so often made to the effect that the State cares only for the interests of corporations; that while the masses pay the expense of government, the classes reap all the benefits.

A person can come to the open door of the Free Employment Bureau and partake of its benefits without losing that self-respect so essential to manhood and good citizenship. The utility of the Free Employment Bureau is recognized by the diversity of its patrons. We receive orders for help from the home circles direct, State institutions, hotels, boarding houses, stores and factories—in fact from almost every walk in life. And it is pleasant to be able to state that as a rule both employers and employees are perfectly satisfied with the relations brought into existence through this Bureau.

There is not a misconception in the public mind as to the functions of this Bureau. It is understood that it is not a charity in any sense of the term; that it is a State labor exchange, where honest workers exchange their labor for a compensation offered by employers. Business principles are applied to the work of the Bureau. Care is taken that the character and ability of the people seeking to place their labor on the market through this Bureau is a part of our record. Inquiry is made from former employers with a view to establishing this fact, and on this basis they are employed and take their places amongst the producers. Every statement made as to where employed, nature of employment, duration of same and ability to perform the work is strictly investigated before they are introduced to employers. On the other hand, care is taken that our employees are introduced only to employers who will live out their part of the contract.

The following table shows the work of the Bureau for the quarter ending June 30, 1901:

Applicants for work.....	1,340
Applicants for help.....	1,141
Situations secured	839
Percentage of applicants securing employment	62.6

INDUSTRIAL DISPUTES IN NEW YORK STATE.

The Machinists' Strike for a Nine-Hour Day.

The largest strike of the year was the movement of the machinists instituted May 20th throughout the State, and in fact throughout the United States, for a nine-hour day without reduction of wages. It is still too early to give a complete account of this strike, which is even yet unsettled in a small number of establishments. Comprehensive statistics have been collected for presentation in the Department's annual report, but in the meantime the following statement prepared for the Department by James O'Connell, president of the International Association of Machinists, will have to serve as the most authoritative information on the subject that is available:

The strike was ordered by the International officers with the consent and approval of the membership at large, to take place Monday morning, May 20, 1901. The following demands were presented to all employers of machinists throughout the State of New York, except those employed by the government, railway and factory service:

1. Inauguration of the nine-hour workday.
2. Increase of 12½ per cent in wages.
3. Standard rates for overtime as follows: Time and one-half to midnight; double time from midnight until morning, and double time for Sundays and holidays.
4. Machinists working on night turns to receive extra compensation for all time worked over 54 hours per week in accordance with rate set forth in article 3.
5. The regulation of the number of apprentices to be employed, one being allowed for the shop, and one for each five journeymen employed.
6. That both sides should agree to submit any disputes that might arise in the future to the Board of Arbitration.

We have made satisfactory settlements with 328 firms of New York State employing 15,325 machinists. This does not include government, railroad or machinists employed in factories. The number of firms with whom we have made settlements in the larger cities throughout the State are as follows:

Rochester, fifty firms.	Elmira, two firms.
Seneca Falls, four firms.	Auburn, three firms.
Schenectady, one firm.	Dunkirk, one firm.
Syracuse, nineteen firms.	Lockport, four firms.
New York City, ninety firms.	Buffalo, forty firms.
Brooklyn, sixty firms.	Binghamton, six firms.
Niagara Falls, four firms.	

The balance of the firms with whom we have made settlements, are scattered around through the smaller cities and towns in the State.

Strikes are still on with the following firms:* The Worthington Pump Co. of Brooklyn, N. Y., the Holly Pump Co. of Lockport, the Davidson Pump Co. of Brooklyn, the Rumsey Pump Co. of Seneca Falls, and all firms at Watertown. The above strikes involved about one thousand machinists.

The result of our general strike which occurred May 20th, has been practically the inauguration of the nine-hour workday in the machinists' trade, not only in the State of New York, but throughout the United States.

Rochester Street Laborers.

On January 1, 1901, the Rochester Street and Building Laborers' Union notified the Mason and Street Contractors' Association that on April 1st an increase of wages from 18½ cents to 22 cents per hour with recognition of the union would be demanded. Between those two dates numerous conferences between the two organizations were held, but the employers steadfastly refused to make any concession to the men. Negotiations of the same character and equally fruitless were continued until May 20th, when the laborers struck. Every member of the four branches, English, German, Italian and Polish, into which the general union is divided, ceased work, the total number being about 1,200.

The strike thus inaugurated was continued for nearly two months. During this time all work on public improvements in the city was brought entirely to a standstill and work on many private contracts was more or less interrupted, something like 80 street and building contractors being involved in the controversy. The progress of the strike was marked by numerous demonstrations on the part of the strikers, which gave rise to no serious disturbances except on June 26th, when a clash with the police occurred, in which some rioting took place, shots were fired in the air by the police and several persons received injuries, though no one was fatally hurt. In a few cases attempts were made by contractors to operate with non-union men, some of them being brought in from outside the city of Rochester, but the strikers were generally successful in inducing such to stop work, and the struggle was for the most part one of endurance as to which side could hold out longest without working.

Negotiations for a settlement of the dispute were almost continuous throughout the strike. The State Board of Arbitration

* According to recent news dispatches some of these disputes have been settled.

on three different occasions sent a representative to Rochester, who made repeated efforts to effect an agreement. Three days after the strike was declared Deputy Commissioner Lundrigan met both parties and ultimately secured from the employers' committee a written proposition, which was presented to a committee of the strikers. The latter expressed their personal objection to this proposal, but laid it before a meeting of the strikers, where it was unanimously rejected. On June 5th the representative of the State Board again induced the committees from the two sides to confer after having secured from the employers a modification of their first proposition, and the employers were urged to accept a compromise now offered by the men, who expressed a willingness to accept 20 cents instead of 22 cents per hour. The contractors, however, declined to accept these terms. On June 10th a fruitless conference between representatives of the parties on their own initiative was held. A few days later the representative of the Labor Department for the third time intervened and secured from the contractors a proposition to submit the matters in dispute to an arbitration committee, each side to choose one member and these two a third, which committee should ascertain the "average wages of common labor in all cities outside of New York City," the average minimum rate so determined to be the minimum rate in Rochester for the ensuing year, the strikers to return to work at the old rates pending the decision. This proposal met with little favor among the strikers, who objected to returning to work pending an award and who were inclined to view the plan as a ruse of the contractors to gain time. With the failure of this third attempt the efforts of the State's representative ceased.

In the mean time, efforts looking toward a settlement of the controversy were undertaken by the Mayor and city officials of Rochester. Conferences were held with representatives from each side with this object in view. Moreover, the question of annulling the contracts given by the city for work whose completion had been prevented by the strike became more and more prominent. It appears, in fact, that this latter element was the chief factor in bringing about a settlement of the strike. Under the city's contracts, if work was not completed within a specified time, bonds for the whole amount of the contract were to be for-

feited to the city. Threats of enforcing this provision were made at various times during the strike, such a course being urged by the laborers and certain citizens who were discommoded by the conditions in many streets undergoing repairs. On July 3d the Commissioner of Public Works issued a notice to the contractors holding city contracts expressing dissatisfaction with the progress of their work and insisting that "the work be immediately resumed and rapidly progressed or I shall be obliged to terminate your contract." This move was met by the contractors, however, with the announcement of their intention in no way to recede from their previous position, and steps were taken to bring in outside labor and to make a legal fight against any annulment of contracts. The efforts to secure labor from outside the city were a failure, inasmuch as those brought in were very soon won over to the ranks of the strikers. Finally, on the morning of July 12th the Mayor and Board of Contract and Supply of the city notified the city contractors that unless they signed articles of agreement with their men by 3 o'clock that day their contracts would be annulled. This resulted in bringing the parties together on the same day and the signing of the agreement given below, which had been submitted by the laborers to the above mentioned city officials on the day before. This settled the strike so far as the street contractors were concerned. There was never any formal termination of the controversy with the building contractors, their laborers gradually drifting back to work. The following agreement, it will be observed, gives the laborers a minimum wage of 20 cents per hour, but nothing is definitely said as to recognition of the union, though the organization is made the party to the agreement:—

Articles of Agreement between Street Contractors and the Street and Building Laborers' Union, 7,405, A. F. of L., Rochester, N. Y.

Article I.

It is mutually agreed between the above named parties that eight hours shall constitute a day's work; that the working hours shall be from 8. a. m. to 12 m. and from 1 p. m. to 5 p. m., to be known as regular working hours.

Article II.

It is further agreed between the above named parties that the minimum rate of wages shall be 20 cents per hour for regular working hours.

Article III.

It is further agreed by the above named parties that the business agent of the Laborers' Union shall have power to visit the job steward during working hours, with the permission of the contractor or his foreman.

Article IV.

When necessary to work overtime, time and a half will be paid. For Sundays and legal holidays, such as New Year's Day, Decoration Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, double time will be paid. When necessary to work men in shifts, such labor shall not be classed as overtime. Provisions of Article I and of this article shall not apply to men working for asphalt contractors when actually engaged in the heating and laying of asphalt.

Article V.

And it is further agreed that if either of the above named parties wishes to change the above agreement it shall give at least three months' notice in writing.

Article VI.

And it is mutually agreed by the above named parties that all the above provisions in this agreement shall be binding on both parties from date of ratification until April 1, 1902, or until abrogated as provided in Article V.

Orleans County Quarrymen.

Difficulty early in the spring between the local assembly of the Knights of Labor and certain quarry owners of Orleans county over a scale of prices and the time for payment of wages finally resulted in a strike on May 20th which ultimately involved some 23 firms and about 500 employees. The two main points at issue in the controversy were, first, the demand of the men that wages be paid every two weeks instead of monthly, as had been the custom, and, second, the question of employment of non-union quarrymen. On the former matter the men were most insistent, maintaining that the retention of their wages until the end of the month amounted to a forced loan with no security to them. The quarry owners claimed, on the other hand, that payment every two weeks was impossible on account of the time required to measure up the stone and make out pay rolls.

In the course of the struggle general organizations covering the district were effected by both parties, the employers forming the Medina Sandstone Producers' Association of Orleans County and the quarrymen establishing the General Executive Board of the

Stone Industry for Western New York, representing three local unions in the county, viz.; a Journeymen Stone Cutters' Association, a Knights of Labor assembly and a local assembly of the American Federation of Labor.

The settlement of the strike was finally effected on July 6th. Mr. B. Stark, mediator of industrial disputes, representing the State Board of Mediation and Arbitration, visited Albion on June 26th and in conference with the quarry owners suggested that the payment of wages twice monthly should be conceded to the men on condition that the latter drop the contention for employment of union men only. To this the employers agreed, and when the proposition was submitted to a meeting of the quarrymen on July 6th it was adopted by them. The terms of settlement were embodied in the following agreement to hold for six months:

This agreement made and entered into this 6th day of July, 1901, by and between The Knights of Labor and The Medina Sandstone Producers' Association of Orleans County, N. Y., as follows:

First.—The quarrymen hereby agree to pay on the 18th and the 3d days of each month, and no more than three days to be kept back at any time.

Second.—No boycott to be declared by either party individually or collectively.

Third.—No fines to be imposed against any men who have been at work during this disturbance, either union or non-union men.

Fourth.—The Knights of Labor agree to work peacefully with all men who may be employed at the same quarry with themselves, whether union or not; but the right is hereby conceded that they have the privilege to induce any men to unite with them providing the same is done peaceably and without coercion.

This agreement to be good until January first, 1902, and the same to include the General Union of Stone Cutters, also the Federation of Labor.

(Signed)

D. CIARLA,

Chairman K. of L.

CHAS. E. POST,

Secretary K. of L.

ALLAN CHADWICK,

F. N. HINDS,

JOHN PERRIN,

For Quarrymen's Association.

This agreement was ratified by the Medina Sandstone Producers' Association of Orleans County, on July 6th, 1901.

E. F. FANCHER,

President.

W. J. KIRBY,

Secretary.

Decision of the Umpire in the New York Bricklayers' Dispute.

Robert De Forrest, who was selected as umpire in the dispute between the Master Builders' Association and the unions of bricklayers in Manhattan and Bronx boroughs, New York City, the details of which were chronicled in the June Bulletin, rendered his decision on July 13th, sustaining the principal claim made by the unions. The question referred to him was whether, under the agreement between the employers' association and the workmen's unions, waiting time of three and one-half days should be allowed to the bricklayers who were working for Contractor Reilly on the building at Broadway and West Seventy-third street, Manhattan, as well as waiting time claimed by the workmen of a firm of sub-contractors who were erecting the front portion of the structure. It will be recalled that the labor organizations maintained that the contractor had violated the agreement because he had not contracted to do the fireproofing in the building and consequently had not employed thereat the men who were engaged in the construction of the walls. That particular point was at the beginning decided in favor of the bricklayers by the Joint Arbitration Board. In his opinion the umpire finds that "there is no conflict of testimony on the material facts, and the question resolves itself into an interpretation practically of what may be called the waiting-time clause of the agreement." He continues:

"However onerous it may be to Mr. Reilly, the decision of the Arbitration Board, as to which there was considerable discussion before me, is final as between the present parties, and so far as affects the question before me, Mr. Reilly must be deemed to have violated that agreement. The work of bricklayers stopped on the building. The two days following this decision of the Arbitration Board, Wednesday and Thursday, April 3d and 4th, were both rainy, when no work could have been done by the bricklayers on the building under ordinary circumstances. Friday, April 5th, was a pleasant day, when work would ordinarily have gone on. The whistle blew, but no bricklayers returned to work, nor was any work done by them on Saturday, the following day. None of the bricklayers received their pay until Saturday. On that day they were all paid, but were paid only to and including April 2d, when the last work was actually done. At the time of payment no request was made for waiting time, but at meetings of the Board of Arbitration, held between April 6th and April 25th, when Mr. Reilly succeeded in having the fireproofing included in his contract and the Arbitration Board decided that the work should proceed, claims for waiting time were made,

varying in extent from two hours to thirteen and one-half days. It is the question of the allowance of these claims under the contract which has been referred to me. The particular clause of the contract under which these claims must be decided is the eighth, and reads as follows:

" ' Bricklayers when laid off shall be paid upon request, either by cash or by order on the office; if the latter, he shall receive one-half hour in addition to actual time. In case of failure to receive his money at the office within one hour from the time of lay-off he shall receive waiting time up to the receipt of his pay. If discharged, he shall be paid at once on the job, failure of which shall entitle him to waiting time as above.'

"The clause seems to me intended to safeguard the bricklayer against any delay in the receipt of his pay, and to put him in a position to receive for the time necessarily spent in waiting for obtaining his pay the same wages as if he had worked. The justice of such a provision is apparent. It should be noted, however, that under this clause waiting time is only received by a bricklayer 'up to the receipt of his pay.' The time of payment fixes the time beyond which no right to 'waiting time' exists. However justifiable a strike, or however unjustifiable a lockout, waiting time would not be payable under this agreement, after bricklayers were laid off or discharged, or after they had received their pay. If Mr. Reilly had paid his bricklayers immediately upon the stoppage of the work, no claim for waiting time could have been properly made. He did not, however, pay off his bricklayers until Saturday, and therefore waiting time is payable. For what period is this waiting time payable? For the reasons stated, it is not payable beyond the actual time of payment on Saturday. A literal reading of one clause of the agreement taken by itself, viz.: 'In case of failure to receive his money at the office within one hour from the time of lay-off, he (the bricklayer) shall receive waiting time up to the receipt of his pay,' would justify a construction entitling the bricklayers to waiting time from Tuesday to Saturday, a period of three and one-half days. Such an interpretation would give them pay for two rainy days, for which they would have received no pay had work continued as before. I do not think this construction should, as a matter of legal precedent, be given to the agreement taken as a whole. It was, I think, intended to indemnify the bricklayer for any lost time in obtaining his pay, but not to penalize the mason. I am confirmed in this opinion by the statements of some bricklayer members of the Arbitration Board, who, when this subject was under discussion before arbitration was agreed upon, in the spirit of fairness which has evidently characterized the deliberations of the Board, asserted that they made no claims for waiting time on rainy days. However, under the peculiar circumstances of this case, which presents some special equities in favor of the bricklayers as respects lost time, and bearing in mind the desire of both sides, expressed to me at the hearing, that substantial justice should be done, I have determined to award to the bricklayers waiting time between Wednesday and Saturday, inclusive, being three and one-half working days. I am more ready to do this, because I notice by the record that at least one of the representatives of the Masons' Association had at one time suggested this as a basis of settlement. I therefore decide that the bricklayers who were employed on this job at the time when work was stopped as the result of the decision of the Arbitration Board, rendered April 2d, and who lost wages thereby, are entitled to waiting time up to receipt of their pay, which

I understand to have been at noon on Saturday, April 6th, making three and one-half days in all.

"I have not been unmindful in arriving at this decision of several points raised by the Mason Builders. It was claimed that waiting time was only payable under the contract 'upon request,' and that, inasmuch as the bricklayers had received their pay on Saturday without requesting pay for waiting time, all claim for waiting time had been waived. There is some force in this suggestion, but under all the circumstances of this case, which was being dealt with by the Arbitration Board of both parties, and which the bricklayers may have properly hesitated to complicate by any special request, I do not think their failure to request waiting time should be deemed any waiver of their right to do so under the agreement. It was also claimed that waiting time was only payable when bricklayers were laid off or discharged, and that Mr. Reilly did not lay off or discharge his men in this case. Work stopped in this case by no fault of the bricklayers, but because the Arbitration Board decided that Mr. Reilly had violated this agreement. Under these circumstances, I think the right of the men to waiting time should be settled as if they were laid off or discharged by the act of their employer. It was claimed by some representatives of the union that Mr. Reilly had ordered his bricklayers out on the Monday following the Saturday on which they were paid, and therefore waiting time again began to run. Mr. Reilly and his foreman, Mr. McCann, distinctly denied this, and the bricklayers who were apparently produced as witnesses against Mr. Reilly on this point failed to prove that Mr. Reilly or any one for whose acts he is legally responsible asked them to go out on that day. This claim has not therefore been substantiated.

"I was impressed at the hearing by the fairness and frankness which characterized the presentation of this controversy by the representatives of both sides, and this impression is strongly confirmed by the minutes of previous meetings, which I have read. I am not surprised that the Board of Arbitration, which includes so many fair-minded men on both sides, should have been, for a period of more than fifteen years, able to settle all the many differences which had naturally arisen between the bricklayer and their employers. The community at large, as well as members of the Mason Builders' Association and of the Bricklayers' Unions, are under great obligation for the faithful service of this Arbitration Board."

Jamestown Street Railway Strike.

The discharge of three employees by the Jamestown Street Railway Company was the cause of a strike against that firm on May 30th by about 60 motormen and conductors, members of Division No. 188, Amalgamated Association of Street Railway Employees. The strikers claimed that the three men were discharged because of their membership in the union and demanded their reinstatement, while the company alleged that their dismissal was due solely to violation of the company's rules and had nothing to do

with their connection with the association, and refused to re-employ them.

On June 1st the officials of the company issued an ultimatum to the men, informing them that the places of all who did not return to work on or before July 4th would be permanently filled. None of the strikers, however, had appeared for employment on that day. On the 5th the common council of the city authorized the mayor to appoint a committee for the purpose of bringing about a settlement of the strike, which committee was appointed, and included the mayor, county judge, county treasurer, superintendent of the public schools, a prominent clergyman, and the editor of a Jamestown newspaper. Having investigated the situation, this committee drew up recommendations, being assisted therein by Second Deputy Commissioner Lundrigan of the Department of Labor, who reached Jamestown on July 10th. These recommendations contained the terms which the committee had secured from the railway company and the men were urged to accept them. The terms thus offered included full recognition of the right of the men to join the union, and a promise to re-employ all those on strike as fast as possible, except the three men originally discharged. A full meeting of the men, to which the committee presented its report, unanimously rejected its recommendations, the strikers insisting that all men must be taken back at the same time.

July 26th the representative of the Board of Arbitration again visited Jamestown and by request of a committee from the union and the third vice-president of the American Federation of Labor arranged a conference between those parties, the president of the street railway company and himself. This conference, at which the situation was again reviewed in detail, served to make clear the company's willingness to re-employ without discrimination any of the strikers whose service had been satisfactory in the past, but at the same time showed their determination to consider no proposal involving the dismissal of their present employees in order to make places for those who had struck. The conference also resulted in a meeting subsequently between the company's president and the national president of the Amalgamated Association of Street Railway Employees, but this meeting proved fruitless.

There has thus far been no definite termination of the strike. The railway company now has a full force of men in its employment, while the present status of the controversy leaves the members of the union still nominally on strike and endeavoring, it is said, to maintain a boycott against the company.

Tupper Lake Saw-Mill Employees.

On July 8th the mill hands employed by the Sherman, the Santa Clara, and the Norwood lumber companies, and the Underwood pulp mill at Tupper Lake, struck for a reduction of working time from 11 to 10 hours per day. About 400 men went out. Four days after the strike began the Santa Clara mill was started with a small force, but was shut down after running a few hours as the result of the appearance at the mill in a body of the strikers from the other establishments.

Nothing but the matter of hours of labor was involved in the controversy. The men, who were unorganized, declared that it was physically impossible to maintain their health and strength permanently under the strain involved in 11 hours work with the improved, high-speed machinery used with steam power which had been substituted for the slower machines previously run by water power. The employers, on the other hand, claimed that the mills must be run eleven hours per day in order to clean up the previous winter's output during the short open season when logs can be floated. So determined were both parties on the issue thus directly joined that repeated efforts by a representative of the Department of Labor to secure some concession with a view to a compromise were unsuccessful. The strike lasted three weeks and ended on July 29th, when the men gave up the contest and returned to work on the old time of eleven hours per day.

Niagara Falls Paper-Mill Workers.

On April 27th about 100 men in the sulphite department of the International Paper Company's plant at Niagara Falls went on strike for an increase in wages from 13 cents to 15 cents per hour. The next day employees in other departments struck in sympathy, the entire force of about 400 men finally going out. The firm refused to grant the increase demanded.

and the unorganized strikers after three or four days returned to work on the old terms.

This did not prove the termination of the dispute, however, for on July 5th the sulphite men, having become organized into a local, of the International Paper Makers' Union, again struck. The primary cause of their second strike was the discharge of two employees for, the men alleged, membership in the union; but after going out the strikers demanded the same increase of wages as before, together with recognition of their organization. The strike in this instance proved to be shorter than the first, and was brought to an end the next day after it was declared by the company's granting the men one additional night off per week at the same weekly wage as before, which, inasmuch as they worked nights only every other week, amounted to a reduction in time of one half a day each week. Recognition of the union was not included in the settlement.

Buffalo Longshoremen.

As a result of the failure or refusal of the Anchor Line Transportation Company to discharge a foreman or contractor at Erie, Pa., who was accused of having shot a member of the union, a boycott was declared against all of the company's boats by the president of the International Longshoremen's Association on August 1st. As a result of the boycott order, members of the longshoremen's union at Buffalo refused to handle cargoes on several of the company's boats which were at that port. This strike was finally settled at a conference in Erie, on August 7th, whereby the company agreed either to discharge the objectionable foreman or give him other employment.

Buffalo Structural Iron Workers.

A strike of 150 members of Bridge and Structural Iron Workers' Union No. 6, who were employed on the Dakota elevator in Buffalo, occurred on August 13th, the strikers demanding that a non-union man employed as assistant foreman either join the union or be discharged. Two days later sympathetic strikes occurred at the Stony Point steel plant and on the South Buffalo Bridge. On the 16th representatives of the employers and the strikers held a conference and came to an

agreement under which the non-union foreman was dismissed and work was resumed by the men on the 17th.

East Rochester Railway Shopmen.

The shopmen employed by the New York Central Railroad Company at East Rochester, about 170 in number, struck on April 3d for a ten per cent increase in wages and recognition of a committee representing the men's union and other employees. Two days later officials of the railroad company announced their intention of permanently abandoning the shops at East Rochester, so that the services of the men on strike would no longer be required, but the actual execution of this plan was anticipated a few days later by the total destruction of the plant by fire and it has not been rebuilt.

RECENT TENEMENT HOUSE LEGISLATION.

Of the 3,437,202 inhabitants of New York City enumerated in the United States census of 1900, more than two-thirds (2,372,079) were dwelling in houses defined by law as tenement houses. The condition of those houses as respects hygiene, morals and security from fire is therefore a matter of prime public interest; and the efforts which culminated, at the recent session of the Legislature, in the passage of a new and greatly improved tenement house code have attracted widespread attention.

The subject is by no means a new one either in this country or Europe, where the massing of population in cities without proper sanitary safeguards has for centuries been the cause of an indescribable amount of sickness and misery. Even in the first half of the nineteenth century, when American towns began to take on the dimensions of cities, sanitary science was still so backward that they were subject to frightful visitations of contagious diseases. It is said that in 1834, when the population of New York was 270,000, the city inspector of the Board of Health called attention to the evils of bad housing and their connection with epidemics, sickness, etc. The first legislative commission of inquiry was appointed in 1856; a council of hygiene of the Citizens' Association made a comprehensive report in 1865, and the first tenement house law was enacted in 1867. The second law was enacted in 1879, and important amendments were made in 1887 as a result of the investigations of the second State Commission appointed in 1884. The report of the third Commission, appointed in 1894, also led to important amendments; and recognizing the need of frequent revision of the law to meet changes in methods of building, this Commission recommended the appointment of a new tenement house Commission every five years.

Recently tenement house conditions have been growing worse to so noticeable an extent that Governor Roosevelt felt impelled on April 2, 1900, to send to the Legislature an emergency message recommending the passage of a bill for a new Tenement House Commission. In it he said:

"It is probable that there is not, and has not been, before your body a measure of more real importance to the welfare of those who are least able to protect themselves and whom we should especially guard from the effects of their own helplessness and from the rapacity of those who would prey upon them. There was held this year in New York a Tenement-House Exposition, showing by maps and models the dreadful conditions which we are now striving to remedy, and the shape that the remedy should take. One of the most striking features at this exhibit was the series of charts which showed the way in which disease, crime and pauperism increased almost in geometrical proportion as the conditions of tenement house life became worse—that is, as to overcrowding are added the evils of want of air, of light, of cleanliness, of comfort, in short of all the decencies of life. The decencies are of course indispensable if good citizenship is to be made possible. The tenement house in its worst shape is a festering sore in the civilization of our great cities. We cannot be excused if we fail to cut out this ulcer; and our failure will be terribly avenged, for by its presence it inevitably poisons the whole body politic and social. At present in New York the conditions are in some respects worse, not better, than they were a few years ago, because now the authorities permit the erection of huge buildings, which though less disreputable in appearance than the old tenement houses are, because of their immense mass and inferior light and air shafts, worse from a hygienic standpoint."

The bill having been duly enacted into law, Governor Roosevelt appointed a commission of representative men, including not only students of social problems and philanthropists interested in better housing, but also practical builders and business men. It included among its members and officers "men who had planned tenement houses as architects, men who had constructed them as builders, men who had managed them as agents, men who had lived in them, and men who were in control of them as owners; it also included some who had been officially connected with all the New York City departments charged with tenement supervision—the health department, the building department and the fire department." A Commission thus constituted had unusual facilities for looking at the subject from different points of view, and it is not surprising that the reports prepared by its members or agents not only take rank among the most valuable documents existent relating to the housing problems, but also exercised such influence among the practical men in the Legislature that the Commission's recommendations were, without essential change, enacted into law. The result is to be seen in the new Tenement House Act (Chapter 334, as amended by Chap-

ter 555 of the Laws of 1901), reprinted herewith, and in Chapter XIX A of the revised New York City charter, which provides for the establishment in that city of a Tenement House Department, in which will be concentrated powers and duties now scattered through three or four other departments with a resultant waste of effort and shifting of responsibility. The work of the Commission is well summarized in the message which Governor Odell sent to the Legislature in transmitting to it the report of the Commission. One paragraph of the message reads as follows:

"The Commission has been actuated by the highest motives in undertaking this work, and has prosecuted its investigations with energy and intelligence. They have codified existing and proposed laws bearing on the subject, and recommend them as amendments to the present charter of the city of New York. They also suggest an amendment to the general health law. Their investigation has shown that discretionary power, as it relates to tenements, which is now lodged in the Police Board, the Board of Health, the Fire Department, and the Building Commission in the city of New York, leads to complications, friction, and non-enforcement of the laws. The result has been the erection of buildings without proper regard to sanitary and hygienic conditions. In lieu of this divided authority now lodged in the various municipal bodies, as enumerated above, the Commission recommends the creation of a new department to be known as the Tenement House Committee, to whom shall be submitted all plans for tenement houses, and whose approval must be obtained before such buildings can be occupied after completion, still leaving to the Building Department of the city the inspection of the structural part of the work. They propose to go further by making of this department an inspection bureau, so that existing tenement houses may at all times be under their surveillance. To the proposed Commission is to be given power to enforce the laws which they suggest. Of necessity the administration of such a department as recommended by the Commission must be municipal, yet it would be of great importance to the State at large. The evils resulting from poor tenements through lack of sufficient light, ill-ventilation, and bad sanitation affect not only the city in which they are located, but all parts of the Commonwealth. Comfortable home life is the inspiration of good citizenship, and therefore in this the State at large is interested. The sociologic side of the question—the relation of comfortable and sanitary housing to good morals—is so apparent and so well understood that it hardly calls for discussion. I believe that the enactment and proper enforcement of the laws proposed will do more to eradicate vice and benefit the morals of communities where overcrowded and unhealthy conditions prevail than any other police law which can be framed."

Respecting the Tenement House Department, which will be established in New York City the first of next year, nothing

further needs to be said unless it be that the law provides for the employment of not fewer than 190 inspectors in the inspection bureau—a sufficient force it would seem to prevent the occupation of tenements that do not fully come up to the requirements of the new law. In fact, Richard Watson Gilder, chairman of the Tenement House Commission of 1894, thinks that “the most advanced feature of the new legislation is the establishment of the Tenement House Department, under which, properly administered, the conditions of our tenements should in a brief period be actually revolutionized to the immense advantage of the entire community.”

Although the new Tenement House Law applies to Buffalo as well as New York, it was not deemed necessary to make any changes in the organization of the administrative departments in Buffalo, because that city has been enforcing building ordinances even more restrictive than the new law, with the consequence that Buffalo really has no tenement house problem. The Commission praised the foresight of Buffalo in adopting an enlightened building code, which, combined with its favorable topographical formation, had made that port a famous city of pleasant and healthy homes; and it directed attention to the desirability of framing similar laws for other cities of the State that are rapidly attaining large dimensions. Without such laws, many cities in the neighborhood of New York, but in adjoining States, are permitting the erection of tenements similar to those in the metropolis.

The present housing problem in New York City is not the same as the problem of earlier years or the problem of European cities. Lack of sanitation and consequent outbreaks of fever and similar epidemics no longer trouble New York. Even in foreign cities insanitary conditions are rapidly passing away, and in them the problem is chiefly one of overcrowding single rooms or the occupancy of cellar dwellings. Many of the European cities restrict the height of dwellings to four stories, and even where this restriction is absent that height is rarely exceeded. The Commission says that—

“the conditions which exist in New York are practically unknown in any European city. In London the majority of the tenement houses are small two-story and three-story buildings, and the greatest evils are cel-

lar dwellings and overcrowding in single rooms. The evil of overcrowding on the lots and the very serious evils of lack of light and air, which form the main part of New York's problem, are practically unknown in London. Similar conditions exist in Manchester, Liverpool, and other large cities. Conditions in Glasgow and Edinburgh are somewhat different. There the nearest approach to the New York type of tenement houses is to be found, as tall buildings accommodating numbers of people exist in these Scotch cities. The evils of lack of light and air, however, and the evils of the air shaft are not known in either of these communities. The same is true of conditions in Paris, Berlin and other European cities."

The peculiar shape of the island of Manhattan, which, by reason of its narrowness, prevents the distribution of the population over a large area around the business center, has led, in the absence of suitable facilities for rapid transit, to the crowding of large masses of people upon a comparatively small territory. Space has thus become so exceedingly valuable that owners of buildings have been obliged to utilize every available foot of ground and to build as high as the law would permit, irrespective of possible deleterious results to occupiers from the deprivation of air and light. The New York tenement house problem is therefore essentially one of light and air. The most serious evils of to-day—lack of light and ventilation, insufficient protection against fire, surroundings so unclean and uncomfortable as to make home life almost impossible—were accounted the chief evils by the first Commission of 1856. "With all the remedial legislation and regulation," says the present Commission, "which has been put into operation since the enactment of the first tenement house law in 1867, the present type of tenement house—the six-story double-decker—occupying seventy-five per cent of a twenty-five foot lot, with four families on a floor, gives to its occupants less light and less ventilation, less fire protection and less comfortable surroundings than the average tenement of fifty years ago, which was lower in height, occupied less lot space and sheltered fewer people." The New York "dumb-bell" "double-decker" tenement house is peculiar to that city, being unknown to any other city in America or Europe (save for some recent imitations in neighboring States).

"It was first constructed" [says the Commission] "in New York about the year 1879, and with slight modifications has been practically the sole type of building erected since, and is the type of the present

day. It is a building usually five or six, or even seven, stories high, about twenty-five feet wide, and built upon a lot of land of the same width and about 100 feet deep. The building as a rule extends back ninety feet, leaving the small space of ten feet unoccupied at the rear so that the back rooms may obtain some light and air. This space has continued to be left open only because the law has compelled it. Upon the entrance floor there are generally two stores, one on each side of the building, and these sometimes have two or three living rooms back of them. In the center is the entrance hallway, a long corridor, less than three feet wide and extending back sixty feet in length. This hallway is nearly always totally dark, receiving no light except that from the street door and a faint light that comes from the small windows opening upon the stairs, which are placed at one side of the hallway. Each floor above is generally divided into four sets of apartments, there being seven rooms on each side of the hall, extending back from the street to the rear of the building. The front apartments generally consist of four rooms each and the rear apartments of three rooms, making altogether fourteen rooms upon each floor, or, in a seven-story house, eighty-four rooms, exclusive of the stores and rooms back of them. Of these fourteen rooms on each floor, only four receive direct light and air from the street, or from the small yard at the back of the building. Generally, along each side of the building is what is termed an 'air-shaft,' being an indentation of the wall to a depth of about twenty-eight inches, and extending in length for a space of from fifty to sixty feet. This shaft is entirely enclosed on four sides, and is, of course, the full height of the building, often from sixty to seventy-two feet high. The ostensible purpose of the shaft is to provide light and air to the five rooms on each side of the house which get no direct light and air from the street or yard; but as the shafts are narrow and high, being enclosed on all four sides, and without any intake of air at the bottom, these rooms obtain, instead of fresh air and sunshine, foul air and semi-darkness. Indeed, it is questionable whether the rooms would not be more habitable and more sanitary with no shaft at all, depending for their light and air solely upon the front and back rooms into which they open; for, each family, besides having the foul air from its own rooms to breathe, is compelled to breathe the emanations from the rooms of some eleven other families; nor is this all; these shafts act as conveyors of noise, odors, and disease, and when fire breaks out serve as inflammable flues, often rendering it impossible to save the buildings from destruction.

"A family living in such a building pays for four rooms of this kind a rent of from \$12 to \$18 a month; of these four rooms only two are large enough to be deserving of the name of rooms. The front one is generally about ten feet six inches wide, by eleven feet three inches long; this the family use as a parlor, and often at night, when the small bedrooms opening upon the airshaft are so close and ill-ventilated that sleep is impossible, mattresses are dragged upon the floor of the parlor, and there the family sleep, all together in one room. In summer, the small bedrooms are so hot and stifling that a large part of the tenement-house population sleep on the roofs, the sidewalks, and the fire-escapes. The other room, the kitchen, is generally the same size as the parlor, upon which it opens, and receives all its light and air from the 'airshaft,'

or such a supply, as may come to it from the front room. Behind these two rooms are the bedrooms, so-called, which are hardly more than closets, being each about seven feet wide, and eight feet six inches long, hardly large enough to contain a bed. These rooms get no light and air whatsoever except that which comes from the 'airshaft,' and except on the highest stories are generally almost totally dark. Upon the opposite side of the public hall is an apartment containing four exactly similar rooms, and at the rear of the building there are, instead of four rooms on each side of the hallway, but three, one of the bedrooms being dispensed with. For these three rooms in the rear the rent is generally throughout the city \$10 to \$15 a month. In the public hallway, opposite the stairs, there are provided two water-closets, each water-closet being used in common by two families and being lighted and ventilated by the 'airshaft,' which also lights and ventilates all the bedrooms. In the newer buildings there is frequently provided in the hallway between the two closets a dumbwaiter for the use of the tenants."

The evils of life in such tenement houses touch not simply the comfort of their inmates, but even their security and that of their property, their health and their morals.

Health.—As frequently intimated, the worst feature of the New York tenement house is its lack of air and light. This deprivation is directly responsible for the undue prevalence in the tenements of the dread disease of consumption. Medical experts testified that the number of deaths from this disease reached 8,000 annually in the tenements, and that one-third of these lives might be saved by taking adequate measures, one of the most important of which is a type of tenement house having sufficient light and air. The health of tenement dwellers is also menaced by foul cellars, airshafts and courts, arising from the accumulation of filth. Overcrowding in small tenement work-rooms is also a menace to health.

Security.—The Commission found that in the preceding year twenty-one deaths had been caused by fire in tenement houses,—and "there are many more injuries short of death almost as serious, besides those which are caused by panic and exposure." A constant source of peril is the airshaft, which acts as a veritable flue in the spread of tenement-house fires. During the preceding two and one-half years, fully one-fourth of such fires were spread by means of the airshaft.

Morality.—Aside from the inevitable danger to good morals resulting from the overcrowding of rooms by persons of all ages and sexes, the Commission found that this risk was unnecessarily

increased by the existence of the narrow airshaft, upon which most of the bedroom windows opened. The impossibility of preserving privacy in a family which occupied rooms opposite those of another family can well be imagined. The conditions could not but encourage vice. Further, as remarked by the vicar of St. Augustine's Chapel in a letter to the Commission signed by twelve other clergymen, "dark halls and staircases are destructive to morality, since they give constant opportunities and furnish most plausible excuses for personal familiarities of the worst kind between the sexes." But the worst feature of all was the presence in the tenements of professional vice, which was held to be largely due to the irresponsibility of landlords. As is well known, the presence of disorderly women in the tenement houses has recently been in the forefront of public discussion in the metropolis, and it has been agreed upon all sides that if the morals of the children of the city—the next generation of citizens—were to be preserved, the open and flagrant prosecution of vice in the tenements must be stopped.

To remedy the evils complained of the framers of the new law proposed action upon three different lines:

1. To provide proper types of new tenement houses for the future by means of adequate restrictive legislation and to forbid the erection of any other.
2. To remedy the errors of past years by altering and improving old tenement houses so as to make them fit for human habitation.
3. To maintain present and future tenement houses in sanitary condition by adequate supervision.

In accordance with these proposals, the provisions of the new act are made to cover three separate classes of buildings. Chapters II, III and IV (entitled respectively Protection from Fire, Light and Ventilation, Sanitary Provisions) are severally subdivided under the three titles: (1) Provisions applicable to all tenement houses hereafter erected; (2) provisions applicable to existing tenements; (3) provisions applicable to all tenement houses hereafter erected or now existing.

With the exception perhaps of the establishment in New York City of a Tenement House Department, which was provided for by the amended charter, the most important change recommended by the Commission was in the direction of providing more light

and air in the tenements. This is partially effected by diminishing the proportion of ground space which the law allows to be built over. Heretofore the law has permitted 65 per cent of the lot to be covered by the tenement building, but at the same time it conferred upon the local authorities power to increase this maximum to 75 per cent, and as a matter of fact the New York Building Department has exercised its discretion in 99 per cent of all cases, so that 75 per cent of the lot was in reality the prevailing proportion of ground space occupied even by the newer tenement houses. The new act establishes 70 per cent as the maximum proportion of the lot to be occupied (excepting, of course, corner lots); and it allows no discretionary power to local officials to make exceptions. By thus increasing the proportion of unoccupied space on the lot, the law in some degree enlarges the amount of light and air that reaches the tenement dwellers. But a vastly more effective means of attaining this end is sought in the abolition of the narrow shaft upon which a majority of tenement bedrooms open. Such flues are miscalled airshafts,—ordinarily they furnish no circulation of air, having no intake of fresh air at the bottom and outlet at the top; only in case of fire do they promote a strong circulation of air. The place of such narrow shafts is to be taken, as it actually has been taken in Buffalo, by comparatively large open courts connecting with the open area in the back yard or elsewhere.

Where the court is open, for a building four stories high the Buffalo law requires that such a court must be at least eight feet wide in its narrowest part and must increase one foot in width for every story above four stories in height. An enclosed court must be of larger dimensions. Similar provisions are found in the Philadelphia law, and in both cities have in practice worked admirably; hence the recommendations made by the Commission were along these lines. The general features of its scheme are as follows:

The Commission has sought to distinguish between outer and inner courts as is done in the Buffalo law, and has provided that for a building sixty feet in height the width of the outer court, where it is situated on the lot line, shall not be less than six feet and that, where such a court is between wings of the same building or between different buildings on the same lot, the width of this court shall be twelve feet (there being twice as many windows deriving light and air from such a court,

the width should be twice as great); and that, for buildings over sixty feet in height these courts shall increase in width for every additional story six inches, when the court is on the lot line, and one foot, when the court is between wings of the same building, and of course permitting a corresponding decrease of the width when such buildings are less than sixty feet in height. Inner courts enclosed on four sides and, therefore, having much less opportunity for direct sunlight and for circulation of air, have been treated differently. The Commission has laid down for such courts, when situated on the lot line, a minimum width of twelve feet, with a minimum other dimension of twenty-four feet. And where such inner courts are entirely enclosed by four walls, the last dimension must be twenty-four feet. A similar provision for an increase in both dimensions proportionate to the increase in height of the building and for a decrease in both dimensions proportionate to a decrease in the height of the building has been provided. (§§ 57-64.)

The law formerly provided that every room in a new tenement house must have a window opening to the outer air, but the uncertainty in the minds of inspectors as to what constituted the outer air has led to the insertion in the new act of a provision that every room in a tenement house, excepting a water-closet or bathroom, must open either upon the street or upon a yard, or upon an inner or outer court of the size prescribed in the act. (§ 67.) This provision also applies (§ 72) to public hallways in all new tenement houses, thus abolishing, it is hoped, the evils attending dark halls. And in existing tenement houses where ever the hallway is dark, the wooden panels in the doors must be replaced with glass, or, if this is not done, a suitable window must be placed at the end of the hall leading to the outer air. (§ 80.) It also provided that a light shall be kept burning all night in the public hallways of all tenement houses, both upon the entrance and the second floor, and from sunset to 10 p. m. upon the other floors. (§ 82.)

Of the sanitary provisions (Chapter IV, §§ 91-113) the most important changes are the requirements that there shall be a separate water-closet for each family (§ 95) and a door at the bottom of every shaft or court, so as to permit such shafts to be cleaned out (§ 106). As for the rest, it is expected that the more rigid sanitary supervision under the new Tenement House Department will cause such shafts, cellars, halls, stairways, etc., to be maintained free of rubbish and filth.

With respect to protection from fire, it is expected that the abolition of the airshaft will be a notable improvement. In

addition to that, the law itself contains detailed provisions as to how fire escapes shall be constructed and where they shall be located on tenement houses that are not fire-proof. (§§ 12, 29, 30, 31, 35.) Heretofore the law, while requiring the construction and maintenance of fire-escapes, has generally left the kind and location to the discretion of the Commissioner of Buildings with very unsatisfactory results.

One of the most distressing of all the tenement house problems still remained to be dealt with,—namely, the existence of prostitution in tenements. This is attempted under Title III of Chapter V (§§ 141-151). In the first place, every disorderly woman residing in a tenement is to be treated as a vagrant and upon conviction committed to jail for a period of not more than six months (§ 141). In the second place, any tenement house that shelters a disorderly woman is made subject to a penalty of \$1,000, which becomes a lien upon the house and lot. (§ 142.) The methods of procedure against landlords guilty of the offense of harboring disorderly women, through the connivance of their agents or otherwise, are made more effective. Already numerous evictions have been made under these sections of the new act, which promise an abatement of what has been one of the most corrupting sores in the moral life of the rising generation.

Only two recommendations of the Commission failed of enactment, and both of these related to the Labor Law. In order to prevent the overcrowding of workrooms by tenement workers, the Commission recommended that no license should be issued by the Commissioner of Labor for any room containing less than 1,250 cubic feet of air, or used for the purpose of cooking, eating or sleeping, for children or otherwise than as a workshop. The present law provides that there shall be not less than 250 cubic feet of air to each worker in a tenement workroom, but it is naturally difficult to enforce this requirement when an inspection is made only once or twice a year. Experience demonstrated to the Commission that the average tenement-house family contains five members, who would thus, according to the law, require a room containing 1,250 cubic feet of air—a room approximately twelve feet square. By making such a room the minimum

allowed, the overcrowding of very small rooms (bedrooms, etc.) would be prevented. But while the failure of this recommendation leaves existing tenement workrooms as liable as ever to overcrowding, section 70 of the Tenement House Act will to some extent prevent such overcrowding in tenement houses hereafter erected. That section provides that in each apartment there shall be at least one room containing not less than 120 square feet of floor area; and in most cases it will be this relatively large room that will be used as a workroom.

The Commission also recommended an increase in the force of factory inspectors, in order to enforce more thoroughly the provisions of the Labor Law relating to tenement-made articles, but this recommendation was not followed by the Legislature.

Text of the New Tenement House Act.

[Chapter 334 as amended by Chapter 555* of the Laws of 1901.]

Chap. I. Definitions. (§§ 1-6.)

Chap. II. Protection from fire. (§§ 11-42.)

Title 1.—Provisions applicable only to tenement houses hereafter erected. (§§ 11-23.)

Title 2.—Provisions applicable only to existing tenement houses. (§§ 29-34.)

Title 3.—Provisions applicable to all tenement houses hereafter erected or now existing. (§§ 35-42.)

Chap. III. Light and ventilation. (§§ 51-85.)

Title 1.—Provisions applicable only to tenement houses hereafter erected. (§§ 51-75.)

Title 2.—Provisions applicable only to existing tenement houses. (§§ 76-81.)

Title 3.—Provisions applicable to all tenement houses hereafter erected or now existing. (§§ 82-85.)

Chap. IV. Sanitary provisions. (§§ 91-113.)

Title 1.—Provisions applicable only to tenement houses hereafter erected. (§§ 91-100.)

Title 2.—Provisions applicable only to existing tenement houses. (§§ 97-100.)

Title 3.—Provisions applicable to all tenement houses hereafter erected or now existing. (§§ 101-113.)

Chap. V. Remedies. (§§ 121-151.)

Title 1.—General powers and duties. (§§ 121-129.)

Title 2.—Registry of names and service of papers. (§§ 131-135.)

Title 3.—Prostitution in tenement houses. (§§ 141-151.)

Chap. VI. General provisions. (§§ 161-165.)

CHAPTER I.

DEFINITIONS.

Section 1. Short title and application.—This act may be cited as the Tenement House Act, and its provisions shall apply to cities of the first class.

§ 2. Definitions.—Certain words used in this act are defined for the purposes thereof as follows:

(1) A tenement house is any house or building, or portion thereof, which is rented, leased, let or hired out, to be occupied, or is occupied as the home or residence of three families or more living independently of each

* Amending sections 4 and 75 of chapter 334.

other, and doing their cooking upon the premises, or by more than two families upon any floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets or privies, or some of them.

(2) A yard is an open unoccupied space on the same lot with a tenement house, between the extreme rear line of the house and the rear line of the lot.

(3) A court is an open unoccupied space, other than a yard, on the same lot with a tenement house. A court not extending to the street or yard is an inner court. A court extending to the street or yard is an outer court. If it extends to the street it is a street court. If it extends to the yard it is a yard court.

(4) A shaft includes exterior and interior shafts, whether for air, light, elevator, dumbwaiter, or any other purpose. A vent shaft is one used solely to ventilate or light a water-closet compartment or bathroom.

(5) A public hall is a hall, corridor or passageway not within an apartment.

(6) A stair hall includes the stairs, stair landings and those portions of the public halls through which it is necessary to pass in going between the entrance floor and the roof.

(7) A basement is a story partly but not more than one-half below the level of the curb.

(8) A cellar is a story more than one-half below the level of the curb.

(9) A fireproof tenement house is one the walls of which are constructed of brick, stone, iron or other hard incombustible material, and in which there are no wood beams or lintels, and in which the floors, roofs, stair halls and public halls are built entirely of brick, stone, iron or other hard incombustible material, and in which no woodwork or other inflammable material is used in any of the partitions, furrings or ceilings. But this definition shall not be construed as prohibiting, elsewhere than in the stair halls or entrance halls, the use of wooden flooring on top of the fireproof floors or the use of wooden sleepers, nor as prohibiting wooden handrails and hard-wood treads such as described in section eighteen of this act.

(10) The word shall is always mandatory; and not directory, and denotes that the house shall be maintained in all respects according to the mandate, as long as it continues to be a tenement house.

(11) Wherever the words, charter, ordinances, regulations, department of buildings, department of health, department of water supply, fire department, corporation counsel, city treasury or fire limits occur in this act they shall be construed as if followed by the words "of the city in which the tenement house is situated."

§ 3. Buildings converted or altered.—A building not erected for use as a tenement house, if hereafter converted or altered to such use, shall thereupon become subject to all the provisions of this act affecting tenement houses hereafter erected.

§ 4. Buildings in process of erection.—A tenement house not now completed, but the excavation for which shall have been commenced in good faith on or before the first day of June, nineteen hundred and one, after approval of the plans therefor by the department of buildings, and the first tier of beams of which shall have been set on or before the first

day of August,* nineteen hundred and one, shall be subject only to the provisions of this act affecting now existing tenement houses; provided that the plans for said house were filed in said department on or before the tenth day of April, nineteen hundred and one, and were in accordance with the laws in force at the time of filing, and that the building is built in accordance with such laws. [As amended by ch. 555, Laws of 1901.]†

§ 5. **Corner lots.**—When a lot is situated at a corner of two streets, if it has more frontage upon one street than the other, the lesser frontage shall be deemed the width and the greater frontage the depth of the lot within the meaning of this act; and when the width is greater than twenty-five feet, the excess over said twenty-five feet shall not be deemed part of a corner lot, but shall be subject to the provisions of this act in relation to lots other than corner lots.

CHAPTER II.

PROTECTION FROM FIRE.

Title I.—Provisions Applicable Only to Tenement Houses Hereafter Erected.

Section 11. **Fireproof tenements, when required.**—Every tenement house hereafter erected exceeding fifty-seven feet, or exceeding five stories or parts of stories, in height above the curb level, shall be a fireproof tenement house, nor shall any tenement house be altered so as to exceed such height without being made a fireproof tenement house; provided, that this section shall not apply to a building of a height not exceeding sixty-seven feet, and not exceeding six stories or parts of stories in height above the curb level, if such building shall have a frontage exceeding forty feet. A cellar is not a story within the meaning of this section.

§ 12. **Fire escapes.**—Every non-fireproof tenement house hereafter erected, unless provided with fireproof outside stairways directly accessible to each apartment, shall have fire escapes located and constructed as in this section required, except that tenement houses that are less than four stories in height and which also do not contain accommodations for more than four families in all, may be equipped with such other iron, steel, or wire cable fire escapes as may be approved by the department of buildings, such escapes must be capable of sustaining two thousand pounds, and be of sufficient length to reach from the top floor to the ground, and with rungs not more than twelve inches apart and not less than fifteen inches in length.

(1) The fire escapes shall be located both on the front and rear of the building at each story above the ground floor, and where there is an apartment not containing any room fronting on either the street or yard, an additional fire escape shall be provided for such apartment. Where, however, there are not more than four rooms in a line comprising part

* In a case decided by Justice O'Gorman, of the Supreme Court, August 30, this clause is held to be invalid; where work had actually been begun June 1 and carried on in good faith, failure to have the first tier of beams set before the first day of August, through strikes and other causes beyond the control of the builder, does not subject the building to the provisions of the law applicable to tenement houses hereafter erected.

† Before its amendment, this section read as follows:

"A tenement house not now completed, but upon which work has been actually commenced, after approval of the plans thereof by the department of buildings, shall be subject only to the provisions of this act affecting now existing tenement houses."

of one apartment, and the apartment extends from the street to the yard, the rear fire escape may be omitted. Fire escapes may project into the public highway to a distance not greater than four feet beyond the building line.

(2) The fire escapes shall consist of outside open iron balconies and stairways. The stairways shall be placed at an angle of not more than sixty degrees, with steps not less than six inches in width and twenty inches in length, and with a rise of not more than nine inches. The balcony on the top floor, except in case of a front fire escape, shall be provided with a goose-neck ladder leading from said balcony to and above the roof.

(3) **Balconies.**—The balconies shall not be less than three feet in width, taking in at least one window of each apartment at each story above the ground floor. They shall be below and not more than one foot below the window sills and extend in front of and not less than nine inches beyond each window. There shall be a landing not less than twenty-four inches square at the head and foot of each stairway. The stairway opening on each platform shall be of a size sufficient to provide clear headway.

(4) **Floors of balconies.**—The floors of balconies shall be of wrought iron or steel slats not less than one and a half inches by three-eighths of an inch, placed not more than one and one-quarter inches apart, and well secured and riveted to iron battens one and a half inches by three-eighths of an inch, not over three feet apart and riveted at the intersection. The openings for stairways in all buildings shall not be less than twenty-one inches wide and thirty-six inches long, and such openings shall have no covers of any kind. The platforms or balconies shall be constructed and erected to safely sustain in all their parts a safe load at a ratio of four to one, of not less than eighty pounds per square foot of surface.

(5) **Railings.**—The outside top rail shall extend around the entire length of the platform and in all cases shall go through the wall at each end, and be properly secured by nuts and four-inch square washers at least three-eighths of an inch thick, and no top rail shall be connected at angles by cast iron. The top rail of balconies shall be one and three-quarter inches by one-half inch of wrought iron, or one and a half inch angle iron one-quarter inch thick. The bottom rails shall be one and one-half inches by three-eighths of an inch wrought iron, or one and a half inch angle iron, one quarter inch thick, well leaded into the wall. The standards or filling-in bars shall not be less than one-half inch round or square wrought iron, well riveted to the top and bottom rails and platform frame. Such standards or filling-in bars shall be securely braced by outside brackets at suitable intervals, and shall be placed not more than six inches from centres; the height of railings shall in no case be less than two feet nine inches.

(6) **Stairways.**—The stairways shall be constructed and erected to fully sustain in all their parts a safe load at a ratio of four to one of not less than one hundred pounds per step, with the exception of the tread which must safely sustain at said ratio a load of two hundred pounds. The treads shall be flat open treads not less than six inches wide and with a rise of not more than nine inches. The stairs shall

be not less than twenty inches wide. The strings shall not be less than three-inch channels of iron or steel, or other shape equally strong, and shall rest upon and be fastened to a bracket, which shall be fastened through the wall as hereinafter provided. The strings shall be securely fastened to the balcony at the top, and the steps in all cases shall be double-riveted or bolted to the strings. The stairs shall have three-quarter inch handrails of wrought iron, well braced.

(7) **Brackets.**—The brackets shall not be less than one-half inch by one and three-quarter inches wrought iron placed edge-wise, or one and three-quarter inch angle iron, one-quarter inch thick, well braced; they shall not be more than four feet apart, and shall be braced by means of not less than three-quarters of an inch square wrought iron, and shall extend two-thirds of the width of the respective balconies or brackets. The brackets shall go through the wall and be turned down three inches, or be properly secured by nuts and four-inch square washers at least three-eighths of an inch thick. On new buildings the brackets shall be set as the walls are being built. When brackets are put on tenement houses already erected the part going through the wall shall not be less than one inch in diameter with screw nuts and washers not less than five inches square and one-half an inch thick.

(8) **Drop-ladders.**—A proper drop-ladder shall be required from the lower balcony when the floor of such balcony is more than fourteen feet above the sidewalk or ground.

(9) **Painting.**—All the parts of such fire escapes shall receive not less than two coats of paint, one in the shop and one after erection. All fire escape balconies shall contain a plate firmly fastened to the standards or filling-in bars near the top railings in front of each window, such plate to contain in plain, large, prominent, raised letters, each letter to be not less than one-half an inch in length, the following words: "Any one placing any encumbrance on this balcony will be fined ten dollars."

§ 13, **Bulkheads.**—Every tenement house hereafter erected shall have in the roof a fireproof bulkhead with a fireproof door to the same, and shall have fireproof stairs with a guide or handrail leading to the roof, and such stairs shall be kept free from encumbrance at all times. No bulkhead door shall at any time be locked with a key, but it may be fastened on the inside by movable bolts or hooks.

§ 14. **Stairs and public halls.**—Every tenement house hereafter erected shall have at least one flight of stairs extending from the entrance floor to the roof, and the stairs and public halls therein shall each be at least three feet wide in the clear.

§ 15. **Stairways in non-fireproof buildings.**—Every non-fireproof tenement house hereafter erected containing over eighty rooms shall also have an additional flight of stairs for every additional eighty rooms or fraction thereof; if said house contains not more than one hundred and twenty rooms, in lieu of an additional stairway, the stairs and public halls throughout the entire building may each be at least one-half wider than is specified in section fourteen and twenty of this act.

§ 16. **Stairways in fireproof buildings.**—Every fireproof tenement house hereafter erected containing over one hundred and twenty rooms shall also have an additional flight of stairs for every additional one hundred and twenty rooms or fraction thereof; but if said house contains

not more than one hundred and eighty rooms, in lieu of an additional stairway the stairs and public halls throughout the entire building may each be at least one-half wider than is specified in sections fourteen and twenty of this act; and a power passenger elevator, enclosed in a separate shaft from the stairs, and distant not less than thirty-five feet from the main flight of stairs, shall be deemed the equivalent of an additional flight.

§ 17. **Stairways, continued.**—Each flight of stairs mentioned in the last three sections shall have an entrance on the entrance floor from the street or street court, or from an inner court which connects directly with the street. All stairs shall be constructed with a rise of not more than seven and one-half inches and with treads not less than ten inches wide and not less than three feet long in the clear. Where winders are used, all treads at a point eighteen inches from the strings on the well side shall be at least ten inches wide.

§ 18. **Stair halls.**—The stair halls in all non-fireproof as well as fireproof tenement houses hereafter erected shall be constructed of fireproof material throughout, except as in this section specified. The risers, strings and banisters shall be of metal or stone. The treads shall be of metal, slate or stone, or of hard wood not less than two inches thick. Wooden hand rails to stairs will be permitted if constructed of hard wood. The floors of all stair halls shall be constructed of iron or steel beams and fireproof filling and no wooden flooring or sleepers shall be permitted. All windows on stair halls opening on courts shall be of good quality wire-glass in frames of fireproof material.

§ 19. **Stair halls, continued.**—In every non-fireproof tenement house hereafter erected all stair halls shall be enclosed on all sides with brick walls. The doors opening from stair halls shall be fireproof and self-closing, and if provided with glass such glass shall be good quality wire glass. There shall be no transom or movable sash opening from a stair hall to any other part of the house. Except on the entrance floor, each stair hall shall be shut off from all non-fireproof portions of the public halls and from all other non-fireproof parts of the building, on each story, by self-closing fireproof doors, and if glass is used in such doors it shall be of good quality wire glass.

§ 20. **Entrance halls.**—Every entrance hall in a tenement house hereafter erected shall be at least three feet six inches wide in the clear, from the entrance up to and including the stair enclosure, and beyond this point at least three feet wide in the clear. It shall be enclosed with brick walls, and shall comply with all the conditions of the preceding sections of this act as to the construction of stair halls. If such entrance hall is the only entrance to more than one flight of stairs, said hall shall be increased one foot in width in every part for each such additional flight of stairs. In every such house, access shall be had from the street to the yard, either in a direct line or through a court.

§ 21. **First tier of beams.**—In all non-fireproof as well as fireproof tenement houses hereafter erected five stories or more in height, exclusive of the cellar, the first floor above the cellar, or, if there be no cellar, above the lowest story, shall be constructed fireproof with iron or steel beams and fireproof flooring; and the bottom flanges and all exposed portions of such iron or steel beams below the abutments of the floor arches or

filling shall be entirely encased with hard-burnt clay or porous terra cotta or with metal lath properly secured and plastered on the under side. In all non-fireproof tenement houses hereafter erected less than five stories in height, where the first floor above the cellar, or, if there be no cellar, above the lowest story, is not constructed fireproof with iron or steel beams and fireproof flooring, the cellar ceiling of said tenement house shall be lathed with wire or metal lath and plastered thereon with two coats of brown mortar of good materials, or shall be covered with plaster boards not less than one-half inch in thickness, made of plaster and strong fibre and all joints made true and well-pointed.

§ 22. **Partitions, construction of.**—In all non-fireproof tenement houses hereafter erected, fore and aft stud partitions which rest directly over each other shall run through the wooden floor beams and rest upon the plate of the partition below, and shall have the studding filled in solid between the uprights to the depth of the floor beams with suitable incombustible materials. In all fireproof tenement houses hereafter erected, all partitions shall rest directly upon the fireproof floor construction, and extend to the fireproof beam filling above.

§ 23. **Cellar stairs in non-fireproof buildings.**—In non-fireproof tenement houses hereafter erected there shall be no inside stairs communicating between the cellar or other lowest story and the floor next above, but such stairs shall in every case be located outside the building, and if enclosed shall be constructed entirely fireproof and be enclosed in a fireproof enclosure with fireproof self-closing doors at all openings.

§ 24. **Cellar stairs in fireproof buildings.**—In every fireproof tenement house hereafter erected the stairs communicating between the cellar and other lowest story and the floor next above, if not located underneath the stairs leading to the upper stories, may be placed inside of the said building; provided, that the portion of the cellar or other lowest story into which said stairs lead is entirely shut off by fireproof walls from those portions thereof which are used for the storage of fuel, or in which heating appliances, boilers or machinery are located. All openings in such walls shall be provided with self-closing fireproof doors.

§ 25. **Closet under first story stairs.**—In non-fireproof tenement houses hereafter erected no closet of any kind shall be constructed under any staircase leading from the first story, exclusive of the cellar, to the upper stories, but such space shall be left entirely open and kept clear and free from encumbrance.

§ 26. **Cellar entrance.**—In every tenement house hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of the said building. In such tenement houses, unless the entire ceiling and floor above the cellar or other lowest story is constructed fireproof, all receptacles for fuel or storage in the cellar or other lowest story shall be constructed entirely of fireproof materials.

§ 27. **Fire stops.**—In tenement houses hereafter erected, in all walls all the courses of brick from the under side of the floor beams to the top of the same shall project a distance of at least two inches beyond the inside face of the wall so as to provide an effective fire stop; and wherever floor beams run parallel to a wall such beams shall always be kept at least two and one-half inches away from the inside line of the wall, and the space between the beams and the wall shall be built up solidly

with brick work from the under side of the floor beams to the top of the same so as to form an effective fire stop.

§ 28. **Wooden tenement houses.**—Within the fire limits no wooden tenement house shall hereafter be erected, and no wooden building not now used as a tenement house shall hereafter be altered or converted to such use. Outside of the fire limits, wooden tenement houses not exceeding two stories in height, exclusive of the cellar, may be erected, but shall not provide accommodations for, or be occupied by, more than four families in all, or more than two families on any floor; and such houses need not comply with the foregoing provisions of this act in reference to protection from fire nor with the provisions of sections twenty-nine, thirty, thirty-one, thirty-two, thirty-six, thirty-seven and thirty-eight of this act.

Title II.—Provisions Applicable Only to Now Existing Tenement Houses.

§ 29. **Fire escapes.**—Every now existing non-fireproof tenement house, unless provided with fireproof outside stairways directly accessible to each apartment, shall have fire escapes located and constructed as described in section twelve of this act. But a fire escape now erected upon such house shall be deemed sufficient except as provided in the next two sections.

§ 30. **Fire escapes, continued.**—In every now existing non-fireproof tenement house there shall be a separate fire escape directly accessible to each apartment, exclusive of fire escapes in air shafts and courts; and a party-wall fire escape balcony on the rear of the building connecting with the window of an adjoining building shall be deemed a sufficient fire escape only when the two buildings are completely separated by an unplastered fire wall throughout their entire height and length. All wooden floor slats and floors in fire escape balconies shall be replaced by proper iron slats or floors. No wooden balcony or wooden outside stairs shall be deemed part of a lawful fire escape.

§ 31. **Fire escapes, continued.**—Whenever a now existing non-fireproof tenement house is not provided with sufficient means of egress in case of fire the department of buildings may order such additional fire escapes or other means of egress as in its judgment may be necessary.

§ 32. **Scuttles, bulkheads and ladders.**—Every now existing tenement house shall have in the roof a bulkhead or scuttle constructed as in this section required. No scuttle shall be less in size than two feet by three feet, and all scuttles shall be covered on the outside with metal and shall be provided with stationary iron ladders or stairs leading thereto and easily accessible to all tenants of the building and kept free from encumbrance, and all scuttles and ladders shall be kept so as to be ready for use at all times. Every bulkhead hereafter constructed in a tenement house shall be fireproof with a fireproof door to the same and shall have fireproof stairs with a guide or hand rail leading to the roof, and such stairs shall be kept free from encumbrance at all times. No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks.

§ 33. **Stair halls, public halls and entrance halls.**—If any now existing tenement house shall be so altered as to increase the number of rooms therein by twenty per centum or more, or if such building is increased in height, the entire stair halls, entrance halls and other public halls of the whole building shall be made to conform to the requirements of sections fourteen to twenty, inclusive, of this act.

§ 34. **Tenements damaged by fire.**—If any now existing tenement house shall hereafter be damaged by fire or otherwise to an amount greater than one-half of the value thereof, exclusive of the value of the foundation, such building shall not be repaired or rebuilt except in conformity with the foregoing provisions of this act for the construction of tenement houses hereafter erected. If the stairs in any now existing tenement house shall be damaged by fire or otherwise, to an amount greater than one-half of the value thereof, the entire stairs in the said tenement house shall be reconstructed in accordance with the provisions of this act for stairs in tenement houses hereafter erected.

Title III.—Provisions Applicable to All Tenement Houses Hereafter Erected or Now Existing.

§ 35. **Fire escapes.**—All fire escapes hereafter constructed upon tenement houses shall be located and constructed as described in section twelve of this act. The owner of every tenement house shall keep all the fire escapes thereon in good order and repair, and whenever rusty shall have them properly painted with two coats of paint. No person shall at any time place any encumbrance of any kind before or upon any such fire escape.

§ 36. **Stairways.**—In every tenement house all stairways shall be provided with proper banisters and railings and kept in good repair.

§ 37. **Shafts.**—All shafts hereafter constructed in tenement houses shall be constructed fireproof throughout, with fireproof self-closing doors at all openings, at each story, except window openings in vent shafts; and, if they extend to the cellar, shall also be enclosed in the cellar with fireproof walls and fireproof self-closing doors at all openings. In no case shall any shaft be constructed of materials in which any inflammable material or substance enters into any of the component parts. But nothing in this section contained shall be so construed as to require such enclosures about elevators or dumb-waiters in the well-hole of stairs where the stairs themselves are enclosed in brick or stone walls, and are entirely constructed of fireproof materials as hereinbefore provided.

§ 38. **Plastering behind wainscoting.**—When wainscoting is hereafter placed in any tenement house, or any building in process of alteration into a tenement house, the surface of the wall or partition behind such wainscoting shall be plastered down to the floor line, and any intervening space between said plastering and said wainscot shall be filled in solid with incombustible material.

§ 39. **Wooden buildings on same lot with a tenement house.**—No wooden building of any kind whatsoever shall hereafter be placed or built upon the same lot with a tenement house within the fire limits.

§ 40. **Combustible materials.**—No tenement house, nor any part thereof, shall be used as a place of storage for any combustible article except under such conditions as may be prescribed by the fire department, under authority of a written permit issued by said department. No tenement house, nor any part thereof, shall be used as a place of storage for any article dangerous to life or health, nor for the storage of feed, hay, straw, excelsior or cotton, nor for the storage or handling or rags.

§ 41. **Bakeries and fat boiling.**—No bakery and no place of business in

which fat is boiled shall be maintained in any tenement house which is not fireproof throughout, unless the ceiling and sidewalls of said bakery or of the said place where fat boiling is done are made safe by fireproof materials around the same, and there shall be no openings either by door or window, dumb-waiter shafts or otherwise, between said bakery or said place where fat is boiled in any tenement house and the other parts of the said building.

§ 42. **Other dangerous businesses.**—All transoms and windows opening into halls from any portion of a tenement house where paint, oil, spirituous liquors or drugs are stored for the purpose of sale or otherwise, shall be glazed with wire-glass or they shall be removed and closed up as solidly as the rest of the wall; and all doors leading into any such hall from such portion of said house shall be made fireproof.

CHAPTER III.

LIGHT AND VENTILATION.

Title I.—Provisions Applicable Only to Tenement Houses Hereafter Erected.

§ 51. **Percentage of lot occupied.**—No tenement house hereafter erected shall occupy more than ninety per centum of a corner lot, or more than seventy per centum of any other lot, the measurements in all cases to be taken at the ground level; provided, that the space occupied by fire escapes of the size hereinbefore prescribed shall not be deemed a part of the lot occupied.

§ 52. **Height.**—The height of no tenement house hereafter erected shall by more than one-third exceed the width of the widest street upon which it stands. Such height shall be the perpendicular distance measured in a straight line from the curb level to the highest point of the building exclusive of cornices and bulkheads, provided such bulkheads are not more than eight feet high and do not exceed in area ten per centum of the area of the roof; the measurements in all cases shall be taken through the center of the facade of the house.

§ 53. **Yards.**—Behind every tenement house hereafter erected there shall be a yard extending across the entire width of the lot and at every point open from the ground to the sky unobstructed, except that fire escapes or unenclosed outside stairs may project not over three feet from the rear line of the house. The depth of said yard, measured from the extreme rear wall of the house to the rear line of the lot, shall be as set forth in the two following sections.

§ 54. **Yards of interior lots.**—Except upon a corner lot the depth of the yard behind every tenement house hereafter erected sixty feet in height shall be not less than twelve feet in every part. Said yard shall be increased in depth one foot for every additional twelve feet of height of the building, or fraction thereof; and may be decreased in depth one foot for every twelve feet of height of the building less than sixty feet; but it shall never be less than ten feet in depth in any part.

§ 55. **Yards of corner lots.**—The depth of the yard behind every tenement house hereafter erected upon a corner lot shall be not less than ten feet in every part.

§ 56. **Yard spaces of lots running through from street to street.**—Wherever a tenement house hereafter erected is upon a lot which runs

through from one street to another street, and said lot is not less than seventy feet nor more than one hundred feet in depth, there shall be a yard space through the center of the lot midway between the two streets, which space shall extend across the full width of the lot and shall never be less than twelve feet in depth from wall to wall; but where the ground floor of such building is used or intended to be used as a store, such yard space may start at the second tier of beams. Where such lot is over one hundred feet in depth such yard space shall conform to the provisions of section sixty-two of this act for inner courts, and shall be left through the center of the lot midway between the two streets.

§ 57. **Courts.**—No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open from the ground to the sky unobstructed, and shall conform to the requirements of the following sections; provided, that an apartment not containing any room fronting upon the street or yard may have a fire escape in a court, projecting not more than three feet from the wall of the house.

§ 58. **Outer courts.**—Where one side of an outer court is situated on the lot line, the width of the said court, measured from the lot line to the opposite wall of the building, for tenement houses sixty feet in height shall not be less than six feet in any part; and for every twelve feet of increase or fraction thereof in height of the said building, such width shall be increased six inches throughout the entire height of said court; and for every twelve feet of decrease in the height of the said building below sixty feet, such width may be decreased six inches, but no such court shall be less than four feet six inches wide in any part.

§ 59. **Outer courts, continued.**—Where an outer court is situated between wings or parts of the same building, or between different buildings on the same lot, the width of the said court, measured from wall to wall, for tenement houses sixty feet in height shall not be less than twelve feet in any part; and for every twelve feet of increase or fraction thereof in the height of the said building, such width shall be increased one foot throughout the entire height of the said court; and for every twelve feet of decrease in the height of the said building below sixty feet, such width of the said court may be decreased one foot, but no such court shall ever be less than nine feet in width in any part.

§ 60. **Outer courts, continued.**—Wherever an outer court changes its initial horizontal direction, or wherever any part of such court extends in a direction so as not to receive direct light from the street or yard, the length of such portion of said court shall never exceed the width of said portion; such length to be measured from the point at which the change of direction commences. Wherever an outer court is less in depth than the minimum width prescribed by this section, then its width may be equal to, but not less than its depth, provided that such width is never less than four feet in the clear. This exception shall also apply to each offset or recess in outer courts. And no window except windows of water closet compartments, bath-rooms or halls shall open upon any offset or recess less than six feet in its least dimension.

§ 61. **Inner courts.**—Where one side of an inner court is situated on the lot line, the width of the said court measured from the lot line to

the opposite wall of the building, for tenement houses sixty feet in height shall not be less than twelve feet in any part, and its other horizontal dimension shall not be less than twenty-four feet in any part; and for every twelve feet of increase or fraction thereof in the height of the said building, such width shall be increased six inches throughout the entire height of said court, and the other horizontal dimension shall be increased one foot throughout the entire height of said court; and for every twelve feet of decrease in the height of the said building below sixty feet, such width may be decreased six inches and the other horizontal dimension may be decreased one foot, but no such court shall be less than ten and a half feet in width in any part, nor less than twenty-one feet in its other horizontal dimension.

§ 62. *Inner courts, continued.*—Where an inner court is not situated upon the lot line, but is enclosed on all four sides, the least horizontal dimension of the said court for tenement houses sixty feet in height, shall not be less than twenty-four feet; and for every twelve feet of increase or fraction thereof in the height of the said building, the said court shall be increased one foot in each horizontal dimension, throughout the entire height of said court; and for every twelve feet of decrease in the height of the said building below sixty feet, the horizontal dimensions of the said court may be decreased one foot in each direction, but no such court shall ever be less than twenty-one feet in its least horizontal dimension. Offsets or recesses in inner courts will be permitted, but where the depth of such offset or recess is less than the minimum width prescribed, then the width of said offset or recess may be equal to but not less than its depth, provided that such width is never less than four feet in the clear. And no window except windows of water closet compartments, bath rooms or halls shall open upon any offset or recess less than six feet in its least dimension.

§ 63. *Inner courts, continued.*—Every inner court shall be provided with one or more horizontal intakes or ducts at the bottom. Said intakes or ducts shall be not less in total area than four per centum of the area of said inner court. Each such intake or duct shall be at least five square feet in area, and shall always communicate directly with the street or yard. Wherever the said intakes or ducts consist of a passageway or passageways, such passageways shall be left open, or if not open there shall always be provided in said passageway or passageways open grilles or transoms of a size not less than five square feet each, and such open grilles or transoms shall never be covered over by glass or in any other way. There shall be at least two such grilles or transoms in each such passageway, one at the inner court and the other at the street or yard, as the case may be.

§ 64. *Outer and inner courts.*—Nothing contained in the foregoing sections concerning outer and inner courts shall be construed as preventing windows at the angles of said courts, provided that the running length of the wall containing such windows does not exceed six feet. In construing said sections the height of the building is to be measured from the curb level to the top of the highest wall enclosing or forming such court.

§ 65. *Rear tenements.*—No separate tenement house shall hereafter be erected upon the rear of a lot fifty feet or less in width where there

is a tenement house on the front of the said lot, nor upon the front of any such lot upon the rear of which there is such a tenement house.

§ 66. **Buildings on same lot with tenement houses.**—If any building is hereafter placed on the same lot with a tenement house the space between the said buildings shall always be of such size and arranged in such manner as is prescribed in section sixty-two of this act for inner courts; and no building of any kind shall be hereafter placed upon the same lot with a tenement house so as to decrease the minimum size of courts or yards as hereinbefore prescribed. And if any tenement house is hereafter erected upon any lot upon which there is already another building, it shall comply with all of the provisions of this act, and in addition the space between the said building and the said tenement house shall be of such size and arranged in such manner as is prescribed in section sixty-two of this act for inner courts, the height of the highest building on the lot to regulate the dimensions.

§ 67. **Rooms, lighting and ventilation of.**—In every tenement house hereafter erected every room, except water-closet compartments and bathrooms, shall have at least one window opening directly upon the street or upon a yard or court.

§ 68. **Windows in rooms.**—In every tenement house hereafter erected the total window area in each room, except water-closet compartments and bathrooms, shall be at least one-tenth of the superficial area of the room, and the top at least of one window shall not be less than seven feet six inches above the floor, and the upper half of it shall be made so as to open the full width. No such window shall be less than twelve square feet in area between the stop beads.

§ 69. **Windows in water-closet compartments and bathrooms.**—In every tenement house hereafter erected the total window area in a water-closet compartment or bathroom shall not be less than three square feet in area for each, and no such window shall be less than one foot in width, measured between stop beads.

§ 70. **Rooms, size of.**—In every tenement house hereafter erected all rooms, except water-closet compartments and bathrooms, shall be of the following minimum sizes: In each apartment there shall be at least one room containing not less than one hundred and twenty square feet of floor area, and each other room shall contain at least seventy square feet of floor area. Each room shall be in every part not less than nine feet high from the finished floor to the finished ceiling; provided that an attic room need be nine feet high in but one-half its area.

§ 71. **Alcoves.**—In every tenement house hereafter erected where any room adjoins another room, and has eighty per centum or more of one entire side open to the other room, and there is no door between, it shall be considered as part of the said room. Under other circumstances every alcove shall be deemed a separate room for all purposes within the meaning of this act.

§ 72. **Public halls.**—In every tenement house hereafter erected every public hall shall have at least one window opening directly upon the street or upon a yard or court. Either such window shall be at the end of said hall, with the plane of the window at right angles to the axis of said hall or there shall be at least one window opening directly upon the street or upon a yard or court for every twenty feet in length or fraction thereof of

said hall. In such halls recesses or returns the length of which does not exceed twice the width of the hall will be permitted without an additional window. But wherever the length of such recess or return exceeds twice the width of the hall the above provisions in reference to one window for every twenty feet of hallway shall be applied. Any part of a hall which is shut off from any other part of said hall by a door or doors shall be deemed a separate hall within the meaning of this section.

§ 73. **Windows for public halls, size of.**—In every tenement house hereafter erected, one at least of the windows provided to light each public hall or part thereof shall be at least two feet six inches wide and five feet high, measured between stop beads.

§ 74. **Windows for stair halls, size of.**—In every tenement house hereafter erected the aggregate area of windows to light or ventilate stair halls shall be at least twenty-one square feet for each floor. There shall be provided for each story at least one of said windows, which shall be at least three feet wide and five feet high, measured between the stop beads.

§ 75. **Privacy.**—In every apartment of three or more rooms in a tenement house hereafter erected, access to every living room and bedroom and to at least one water closet compartment shall be had without passing through any bedroom. [*As amended by ch. 555, Laws of 1901.*]*

Title II.—Provisions Applicable Only to Now Existing Tenement Houses.

§ 76. **Percentage of lot occupied.**—No now existing tenement house shall hereafter be enlarged, or its lot be diminished, so that the house occupy more than ninety per centum of a corner lot, or more than seventy per centum of any other lot, the measurements in all cases to be taken at the ground level; provided that the space occupied by fire escapes of the size hereinbefore prescribed, shall not be deemed a part of the lot occupied.

§ 77. **Yards.**—No now existing tenement house shall hereafter be enlarged or its lot be diminished, so that the yard shall be less than five feet in depth when the building is on a corner lot, or less than twelve feet in depth in other cases, the measurements in all cases to be taken from the extreme rear wall of the building to the rear lot line, and across the full width of the lot, and such yards shall be at every point open from the ground to the sky, except as provided in section fifty-three of this act.

§ 78. **Additional rooms and halls.**—Any additional room or hall that is hereafter constructed or created in a now existing tenement house shall comply in all respects with the provisions of the foregoing sections of this chapter as to the size, arrangement, light and ventilation of rooms and halls in tenement houses hereafter erected.

§ 79. **Rooms, lighting and ventilation of, continued.**—No room in a now existing tenement house shall hereafter be occupied for living purposes unless it shall have a window upon the street, or upon a yard not less than five feet deep, or upon a court or shaft of not less than twenty-five square feet in area, open to the sky without roof or skylight, or un-

* Before its amendment this section read as follows:

* In every apartment of three or more rooms in a tenement house hereafter erected, access to every room, including bath rooms and water closet compartments, shall be had without passing through any bedroom."

less such room has a sash window opening into an adjoining room in the same apartment which itself has a window opening on the street, or on a yard not less than five feet deep, said sash window having at least fifteen square feet of glazed surface, being at least three feet high and five feet wide between stop beads, and at least one-half thereof being made to open readily. Furthermore, no room in a now existing tenement house which does not have a window opening directly upon the street or upon a yard not less than five feet deep or upon a court or shaft of not less than twenty-five square feet in area open to the sky without roof or skylight shall hereafter be occupied for living purposes unless such room contains at least sixty square feet of floor area, and also at least six hundred cubic feet of air space; and no such room shall be so occupied unless there is six hundred cubic feet of air to each individual occupying the same. No such room shall be so occupied unless it be in every part not less than eight feet high from the finished floor to the finished ceiling; provided, that an attic room need be eight feet high in but half its area.

§ 80. **Public halls, lighting of.**—In every now existing tenement house four stories or over in height, whenever a public hall on any floor is not light enough in the daytime to permit a person to read in every part thereof without the aid of artificial light, the wooden panels in the doors located at the ends of the public halls and opening into rooms shall be removed, and ground glass or wire glass panels of an aggregate area of not less than four square feet for each door shall be substituted; or in lieu of removing the panels in the doors a fixed sash window of wire glass of an area of not less than five square feet may be cut into the partitions separating the said hall from a room which opens directly upon the street or upon a yard, court, or shaft of the dimensions specified in the last section; or said public hall may be lighted by a window or windows at the end thereof with the plane of the window at right angles to the axis of the said hall, said window opening upon the street or upon a yard, court, or shaft of said dimensions.

§ 81. **Light and vent shafts in existing buildings.**—Any shaft used or intended to be used to light or ventilate rooms used or intended to be used for living purposes, and which may be hereafter placed in a now existing tenement house, shall not be less in area than twenty-five square feet, nor less than four feet in width in any part, and such shaft shall under no circumstances be roofed or covered over at the top with a roof or skylight; but if such shaft is provided at the bottom with a horizontal intake or duct, of a size not less than two square feet, and communicating directly with the street or yard, such shaft may be of a size not less than three feet by five feet, provided that not more than two rooms on any floor open thereon, and that if it be used to light or ventilate any living room no water-closet open upon it.

Title III.—Provisions Applicable to All Tenement Houses Hereafter Erected or Now Existing.

§ 82. **Public halls.**—In every tenement house a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor, above the entrance floor of said house, every night from sunset to sunrise throughout the year, and

upon all other floors of the said house from sunset until ten o'clock in the evening.

§ 83. **Skylights.**—In every tenement house there shall be in the roof, directly over each stair well, a ventilating skylight with both ridge ventilators and fixed louvres, the glazed surface thereof to be not less than twenty-five square feet in area.

§ 84. **Chimneys or fireplaces.**—In every tenement house there shall be adequate chimneys running through every floor with an open fireplace or grate, or place for a stove, properly connected with one of said chimneys for every apartment.

§ 85. **Vent shafts.**—Every vent shaft hereafter constructed in a tenement house shall be at least twenty square feet in area, and the least dimension of such shaft shall not be less than four feet; and if the building be above sixty feet in height such shaft shall throughout its entire height be increased in area three square feet for each additional twelve feet of height or fraction thereof; and for each twelve feet of height less than sixty feet such shaft may be decreased in area three square feet. A vent shaft may be enclosed on all four sides but shall not be roofed or covered over in any way. Every such shaft shall be provided with a horizontal intake or duct at the bottom, communicating with the street or yard or with a court; such duct or intake to be not less than one and one-half square feet in total area.

CHAPTER IV.

SANITARY PROVISIONS.

Title I.—Provisions Applicable Only to Tenement Houses Hereafter Erected.

§ 91. **Basements and cellars.**—In tenement houses hereafter erected no room in the cellar shall be constructed, altered, converted or occupied for living purposes. And no room in the basement shall be constructed, altered, converted, or occupied for living purposes, unless all of the following conditions are complied with:

1. Such room shall be at least nine feet high in every part from the floor to the ceiling.
2. The ceiling of such room shall be at least four feet and six inches above the surface of the street or ground outside of or adjoining the same.
3. There shall be appurtenant to such room the use of a separate water-closet, constructed and arranged as required by section ninety-five of this act.
4. Such room shall have a window or windows opening upon the street, or upon a yard or court. The total area of windows in such room shall be at least one-eighth of the superficial area of the room, and one-half of the sash shall be made to open the full width, and the top of each window shall be within six inches of the ceiling.

5. All walls surrounding such room shall be made damp-proof in the manner specified in the next section.

6. The floor of such room shall be made damp-proof and water-proof in the manner specified in the next section.

§ 92. **Basements and cellars, continued.**—Every tenement house hereafter erected shall have all walls below the ground level and all cellar or lower floors made damp-proof and water-proof. Such damp-proofing and

water proofing shall run through the walls and up the same as high as the ground level and shall be continued throughout the floor, and the said cellar or lowest floor shall be properly constructed so as to prevent dampness or water from entering.

§ 93. **Shafts, courts, areas and yards.**—In every tenement house hereafter erected the bottom of all shafts, courts, areas and yards which extend to the basement for light or ventilation of living rooms, must be six inches below the floor level of the part occupied or intended to be occupied. All shafts, courts, areas and yards shall be properly concreted, graded and drained, and shall be properly connected with the street sewer so that all water may pass freely into it.

§ 94. **Water supply.**—In every tenement house hereafter erected there shall be in each apartment a proper sink with running water.

§ 95. **Water-closet accommodations.**—In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment, provided that where there are apartments consisting of but one or two rooms, there shall be at least one water-closet for every three rooms. All water-closet compartments must have a window opening upon the street or yard or upon a court or vent shaft. Every water-closet compartment shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in said compartment, then the door of said compartment shall be provided with ground glass or wire glass panels, or with a ground glass or wire glass transom, not less in area than four square feet. The floor of every water-closet compartment shall be made waterproof with asphalt, cement, tile, stone, metal or some other waterproof material; and such water-proofing shall extend at least six inches above the floor so that the said floor can be washed or flushed out without leaking. No drip trays shall be permitted. No water-closet fixtures shall be enclosed with any wood-work.

§ 96. **Plumbing.**—In every tenement house hereafter erected all plumbing pipes shall wherever possible be exposed, or if such pipes are covered there shall be at each floor access to all rising lines through removable panels; said panels shall always be as wide as the whole stack of pipes, and at least two feet and six inches in height.

Title II.—Provisions Applicable Only to Now Existing Tenement Houses.

§ 97. **Basements and cellars.**—Hereafter in any now existing tenement house no room in the basement or cellar shall be occupied for living purposes without a written permit from the department of health, and such permit shall be kept readily accessible in said room. And no such room shall hereafter be occupied unless all the following conditions are complied with:

1. Such room shall be at least eight feet high in every part from the floor to the ceiling.
2. The ceiling of such room shall be in every part at least two feet above the surface of the street or ground outside of or adjoining the same.
3. There shall be appurtenant to such room the use of a separate water-closet.
4. There shall be outside of and adjoining such room, and extending along the entire frontage thereof, an open space of at least two feet six

inches wide in every part. The bottom of said space shall be at least six inches below the level of the floor of the room, and such space shall be well and effectually drained by a drain the bottom of which shall be at least one foot below the level of the floor of the room.

5. Such room shall have a window or windows opening to the outer air of at least nine square feet in size clear of the sash frame, and at least four and one-half square feet of which shall have been made to readily open for purposes of ventilation.

6. If the house is situated over marshy ground, or ground on which water lies, or ground on which there is water pressure from below, the lowest floor shall have been made waterproof and damp proof.

§ 98. **Water-closets.**—In all now existing tenement houses the woodwork enclosing all water-closets shall be removed from the front of said closet, and the space underneath the seat shall be left open. The floor or other surface beneath and around the closet shall be maintained in good order and repair and shall be kept well painted with white paint.

§ 99. **Public sinks.**—In all now existing tenement houses the woodwork enclosing sinks located in the public halls or stairs shall be removed, and the space underneath said sinks shall be left open. The floors and wall surfaces beneath and around the sink shall be maintained in good order and repair, and shall be kept well painted with white paint.

§ 100. **Privy vaults, school sinks and water-closets.**—In all now existing tenement houses, all school sinks, privy vaults or other similar receptacles used to receive fecal matter, urine or sewage, shall before January first, nineteen hundred and three, be completely removed and the place where they were located properly disinfected under the direction of the department of health. Such appliances shall be replaced by individual water-closets of durable non-absorbent material, properly sewer connected, and with individual traps, and properly connected flush tanks providing an ample flush of water to thoroughly cleanse the bowl. The seats of the water-closets shall be hinged and attached to the bowl of the closet. Each water-closet shall be located in a compartment completely separated from every other water-closet. The floors of the water-closet compartments shall be water-proof as provided in section ninety-five of this act. Such water-closets may be located in the yard if necessary, and if so, long hopper closets may be used; all traps, flush tanks and pipes shall be protected against the action of frost. There shall be provided at least one water-closet for every two families in every now existing tenement house. Except as in this section otherwise provided such water-closets and all plumbing in connection therewith shall be in accordance with the ordinances and regulations in relation to plumbing and drainage.

Title III.—Provisions Applicable to All Tenement Houses, Whether Hereafter Erected or Now Existing.

§ 101. **Basements and cellars.**—The floor of the cellar or lowest floor of every tenement house shall be water tight and the cellar ceiling shall be plastered.

§ 102. **Cellar walls and ceilings.**—The cellar walls and ceilings of every tenement house shall be thoroughly whitewashed or painted a light color by the owner at least once a year; and no tenement house hereafter

erected, whether or not it has now been actually commenced, shall be occupied until this has been done for the first time.

§ 103. **Roofs.**—The roof of every tenement house shall be kept in good repair and so as not to leak, and all rain water shall be so drained and conveyed therefrom as to prevent its dripping on to the ground or causing dampness in the walls, ceilings, yards or areas.

§ 104. **Water supply.**—Every tenement house shall have water furnished in sufficient quantity at one or more places on each floor occupied by or intended to be occupied by one or more families. The owner shall provide proper and suitable tanks, pumps or other appliances to receive and to distribute an adequate and sufficient supply of such water at each floor in the said house, at all times of the year, during all hours of the day and night. But a failure in the general supply of water by the city authorities shall not be construed to be a failure on the part of such owner, provided that proper and suitable appliances to receive and distribute such water have been provided in said house.

§ 105. **Cleanliness of buildings.**—Every tenement house and every part thereof shall be kept clean and free from any accumulation of dirt, filth or garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected with or belonging to the same. The owner of every tenement house or part thereof shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, water-closets, cesspools, drains, halls, cellars, roofs and all other parts of the said tenement house, or part of the house of which he is the owner, to the satisfaction of the department of health, and shall keep the said parts of the said tenement house in a cleanly condition at all times. No person shall place filth, urine or fecal matter in any place in a tenement house other than that provided for the same, or keep filth, urine or fecal matter in his apartment or upon his premises such length of time as to create a nuisance.

§ 106. **Shafts and courts.**—In every tenement house there shall be, at the bottom of every shaft and inner court, a self-closing fireproof door giving sufficient access to such shaft or court to enable it to be properly cleaned out.

§ 107. **Walls of courts and shafts.**—The walls of all yard-courts, inner-courts and shafts unless built of a light color brick or stone shall be thoroughly whitewashed by the owner at least once in three years, or shall be painted a light color by him at least once in five years; and no tenement house hereafter erected, whether or not it has now been actually commenced, shall be occupied until this has been done for the first time.

§ 108. **Wall paper.**—No wall paper shall be placed upon a wall or ceiling of any tenement house unless all wall paper shall be first removed therefrom and said wall and ceiling thoroughly cleaned.

§ 109. **Receptacles for ashes, garbage and refuse.**—The owner of every tenement house shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse and other matter.

§ 110. **Prohibited uses.**—No horse, cow, calf, swine, sheep or goat shall be kept in a tenement house, or on the premises thereof, and no tenement house shall be used for a lodging house or stable, or for the storage or handling of rags.

§ 111. **Janitor or housekeeper.**—Whenever there shall be more than eight families living in any tenement house, in which the owner thereof does not reside, there shall be a janitor, housekeeper or some other responsible person who shall reside in said house and have charge of the same, if the department of health shall so require.

§ 112. **Overcrowding.**—No room in any tenement house shall be so overcrowded that there shall be afforded less than four hundred cubic feet of air to each adult, and two hundred cubic feet of air to each child under twelve years of age occupying such room, and no apartment in any tenement house shall be so overcrowded that there shall be afforded in the living rooms and bedrooms of said apartment less than six hundred cubic feet of air to each individual occupying such apartment.

§ 113. **Space around pipes.**—In all tenement houses, where plumbing or other pipes pass through floors or partitions, the openings around such pipes shall be sealed or made air-tight with plaster, or other incombustible materials, so as to prevent the passage of air or the spread of fire from one floor to another or from room to room.

CHAPTER V.

REMEDIES.

Title I.—General Powers and Duties.

§ 121. **Permit to commence building.**—Before the construction or alteration of a tenement house, or the alteration or conversion of a building for use as a tenement house, is commenced, the owner, or his agent or architect, shall submit to the department charged with the enforcement of this act a detailed statement in writing, verified by the person making the same, of the specifications for the construction and for the light and ventilation of such tenement house or building, upon a blank or form to be furnished by such department, and also a full and complete copy of the plans of such work. Such statement shall give in full the name and residence, by street and number, of the owner or owners of such tenement house or building. If such construction, alteration, or conversion, is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person interested in such tenement house, either as owner, lessee or in any representative capacity. The statements herein provided for may be made by the owner, or the person who proposes to make the construction, alteration or conversion, or by his agent or architect. No person, however, shall be recognized as the agent of the owner, unless he shall file with the said department a written instrument, signed by such owner, designating him as such agent. Such specifications, plans and statements shall be filed in the said department and shall be deemed public records, but no such specifications, plans or statements shall be removed from said department. The said department shall cause all such plans and specifications to be examined. If such plans and specifications conform to the provisions of this act and to the building ordinances and regulations they shall be approved by such department, and a written certificate to that effect shall be issued to the person submitting the same. The depart-

ment may, from time to time, approve changes in any plans and specifications previously approved by it, provided the plans and specifications when so changed shall be in conformity with law. The construction, alteration or conversion of such tenement house or building, or any part thereof, shall not be commenced until the filing of such specifications, plans and statements, and the approval thereof, as above provided.

§ 122. **Certificate of compliance.**—No building hereafter constructed as or altered into a tenement house shall be occupied in whole or in part for human habitation until the issuance of a certificate by the department aforesaid that said building conforms in all respects to the requirements of this act. Such certificate shall be issued within ten days after written application therefor, if said building at the date of such application shall be entitled thereto.

§ 123. **Unlawful occupation.**—If any building hereafter constructed as or altered into a tenement house be occupied in whole or in part for human habitation in violation of the last section, during such unlawful occupation any bond or note secured by a mortgage upon said building, or the lot upon which it stands, may be declared due at the option of the mortgagee. No rent shall be recoverable by the owner or lessee of such premises for said period, and no action or special proceeding shall be maintained therefor, or for possession of said premises for non-payment of such rent. The department of water supply shall not permit water to be furnished in any such tenement house, and said premises shall be deemed unfit for human habitation, and the department of health shall cause them to be vacated accordingly.

§ 124. **Enforcement.**—Except as herein otherwise provided, the provisions of this act shall be enforced by the department of any city to which this act applies, which is now charged with the enforcement of laws, ordinances and regulations relating to similar subject matter in tenement houses.

§ 125. **Violations.**—Nothing in this act shall be construed to abrogate or impair the powers of the department of health, the department of buildings, or of the courts, to enforce any provisions of the charter or building ordinances and regulations, not inconsistent with this act, or to prevent or punish violations thereof.

§ 126. **Penalties for violations.**—Every person who shall violate or assist in the violation of any provision of this act shall be guilty of a misdemeanor punishable by imprisonment for ten days for each and every day that such violation shall continue, or by a fine of not less than ten dollars nor more than one hundred dollars if the offence be not wilful, or of two hundred and fifty dollars if the offence be wilful, and in every case of ten dollars for each day after the first that such violation shall continue, or by both such fine and imprisonment in the discretion of the court; provided, that the punishment for a violation of section one hundred and thirty-one of this act shall be a fine of fifty dollars; and provided further, that the penalty for encumbrance of a fire escape by an occupant of the tenement house shall be a fine of ten dollars, which the nearest police magistrate shall have jurisdiction to impose.

§ 127. **Violation of building laws, ordinances and regulations.**—Any owner, agent, architect, builder, contractor, sub-contractor, or foreman who shall, in the construction or alteration of any building intended to be

used as a tenement house, knowingly violate any of the provisions of the building laws, ordinances or regulations shall be guilty of a misdemeanor.

§ 128. **Procedure.**—Except as herein otherwise specified, the procedure for the prevention of violations of this act, or for the vacation of premises unlawfully occupied, or for other abatement of nuisance in connection with a tenement house, shall be as set forth in charter and ordinances.

§ 129. **Liens.**—Every fine imposed by judgment under section one hundred and twenty-six of this act upon a tenement house owner shall be a lien upon the house in relation to which the fine is imposed from the time of the filing of a certified copy of said judgment in the office of the clerk of the county in which said tenement house is situated, subject only to taxes, assessments and water rates and to such mortgage and mechanics' liens as may exist thereon prior to such filing; and it shall be the duty of the department of health upon the entry of said judgment, to forthwith file the copy as aforesaid, and such copy, upon such filing, shall be forthwith indexed by the clerk in the index of mechanics' liens.

Title II.—Registry of Names and Service of Papers.

§ 131. **Registry of owners' names.**—Every owner of a tenement house and every lessee of the whole house, or other person having control of a tenement house, shall file in the department of health a notice containing his name and address, and also a description of the property, by street number or otherwise, as the case may be, in such manner as will enable the department of health easily to find the same; and also the number of apartments in each house, the number of rooms in each apartment, the number of families occupying the apartments, and the trades or occupations carried on therein. In case of a transfer of any tenement house, it shall be the duty of the grantor or grantee of said tenement house to file in the department of health a notice of such transfer, stating the name of the new owner, within thirty days after such transfer. In case of the devolution of said property by will, it shall be the duty of the executor and the devisee, if more than twenty-one years of age, and in case of the devolution of such property by inheritance without a will, it shall be the duty of the heirs, or in case all of the heirs are under age, it shall be the duty of the guardian of such heirs, and in case said heirs have no guardians, it shall be the duty of the administrator of the deceased owner of said property to file in said department a notice, stating the death of the deceased owner, and the names of those who have succeeded to his interest in said property, within thirty days after the death of the decedent, in case he died interstate, and within thirty days after the probate of his will, if he died testate.

§ 132. **Registry of agent's name.**—Every owner, agent, or lessee of a tenement house may file in the department of health a notice containing the name and address of an agent of such house, for the purpose of receiving service of process, and also a description of the property by street number or otherwise, as the case may be, in such manner as will enable the department of health easily to find the same. The name of the owner or lessee may be filed as agent for this purpose.

§ 133. **Service of notices and orders.**—Every notice or order in relation to a tenement house shall be served five days before the time for doing the thing in relation to which it shall have been issued. The posting of a copy

of such notice or order in a conspicuous place in the tenement house, together with the mailing of a copy thereof, on the same day that it is posted, to each person, if any, whose name has been filed with the department of health in accordance with the provisions of sections one hundred and thirty-one and one hundred and thirty-two of this act, at his address as therewith filed, shall be sufficient service thereof.

§ 134. **Service of summons.**—In any action brought by any city department in relation to a tenement house for injunction, vacation of the premises, or other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of the summons to serve the same as notices and orders are served under the provisions of the last section; provided, that if the address of any agent whose name and address have been filed in accordance with the provisions of section one hundred and thirty-two of this act is in the city in which the tenement house is situated, then a copy of the summons shall also be delivered at such address to a person of proper age, if upon reasonable application admittance can be obtained and such person found; and provided also, that personal service of the summons upon the owner of such tenement house shall be sufficient service thereof upon him.

§ 135. **Indexing names.**—The names and addresses filed in accordance with sections one hundred and thirty-one and one hundred and thirty-two shall be indexed under direction of the registrar of records of the department of health, in such a manner that all of those filed in relation to each tenement house shall be together, and readily ascertainable. The board of health shall provide the registrar with the necessary books and clerical assistance for that purpose, and the expense thereof shall be paid by the city. Said indexes shall be public records, open to public inspection during business hours.

Title III.—Prostitution in Tenement Houses.

§ 141. **Vagrancy.**—A woman who knowingly resides in or commits prostitution in a house of prostitution or assignation of any description in a tenement house or solicits any man or boy to enter therein for purposes of prostitution shall be deemed a vagrant, and upon conviction thereof shall be committed to a county jail for a term not exceeding six months from the date of commitment. The procedure in such case shall be the same as that provided by law for other cases of vagrancy.

§ 142. **Lien.**—A tenement house shall be subject to a penalty of one thousand dollars, if it or any part of it shall be used for the purpose of a house of prostitution or assignation of any description, with the permission of the owner thereof, or his agent, and said penalty shall be a lien upon the house and the lot upon which the house is situated.

§ 143. **Permission of lessee.**—If a tenement house, or any part thereof, shall be used for the purpose of a house of prostitution or assignation of any description with the permission of the lessee of the whole of said tenement house, or his agent, the lease shall be terminable at the election of the lessor. And the owner shall be entitled to recover possession of said tenement house by summary proceedings in the manner provided by title two of chapter seventeen of the code of civil procedure.

§ 144. **Permission of owner.**—A tenement house shall be deemed to have been used for the purpose specified in the last two sections with the

permission of the owner and lessee thereof, if summary proceedings for the removal of the tenants of said tenement house, or of so much thereof as is unlawfully used, shall not have been commenced within five days after notice of such unlawful use, served by the department of health in the manner prescribed by law for the service of notices and orders in relation to tenement houses.

§ 145. **Rules of evidence.**—In a prosecution against an owner or agent of a tenement house under section three hundred and twenty-two of the penal code, or in an action to establish a lien under section one hundred and forty-two of this act, the general reputation of the premises in the neighborhood shall be competent evidence, but shall not be sufficient to support a judgment without corroborative evidence, and it shall be presumed that their use was with the permission of the owner and lessee; provided, that such presumption may be rebutted by evidence.

§ 146. **Title of action and parties.**—Said action shall be brought against the tenement house as defendant. Said house may be described in the title of the action by its street number, or in any other method sufficiently precise to secure identification. The property shall be described in the complaint. The plaintiff, except as hereinafter provided, shall be the department of health. In case any taxpayer of any city to which this act applies, shall request such department in writing to institute an action under this title against any tenement house specified in such request, and such department shall not institute such action within ten days after receiving such request, then any taxpayer of said city may institute and maintain such action against such tenement house in his own name, and in such case the court may in its discretion require security for costs.

§ 147. **Jurisdiction and procedure.**—Said action shall be brought in the supreme court in the county in which the property is situated. At or before the commencement of the action the complaint shall be filed in the office of the clerk of the county, together with a notice of the pendency of the action, containing the names of the parties, the object of the action and a brief description of the property affected thereby. Said notice shall be immediately recorded by the clerk in accordance with the provisions of section sixteen hundred and seventy-two of the code of civil procedure. The owner or lessee of said building, or both, may appear in said action and answer or demur to the complaint and the subsequent proceedings in the action shall be the same as in other actions brought to establish a lien or encumbrance upon real property, and the action shall be entitled to a preference in the trial or hearing thereof.

§ 148. **Judgment.**—The judgment in such action, if in favor of the plaintiff, shall establish the penalty sued for as a lien upon said premises, subject only to taxes, assessments and water rates, and to such mortgage and mechanics' liens as may exist thereon prior to the filing of the notice of pendency of the action.

§ 149. **Sale of property.**—At any time after the entry of any judgment establishing a lien upon tenement property the department of health, if there be no stay pending appeal, may apply to the court for leave to sell such property. Upon such application the court, if it deem advisable, may order such property to be sold at public auction, subject to taxes, assessments and water rates and to such mortgage and mechanics' liens as aforesaid. The deed to the purchaser shall be made by the department

of health. The justices of the appellate division of the supreme court of any judicial department may establish rules of practice, which shall be followed by such department of health in the conduct of said sales in said department.

§ 150. **Receivership.**—Whenever the lien or liens upon a tenement property, established by judgment, shall amount to one thousand dollars or over, if there be no stay pending appeal, the department of health shall appoint a receiver of the rents and profits of said property. Said receiver shall give security for the performance of his duties in the manner and form fixed by said department. He shall have the powers and duties of a receiver of rents and profits of real estate appointed by the supreme court; provided, that the corporation counsel shall act as his counsel and that he shall not be allowed any expenditure for counsel fees, and provided, that his commissions shall be ten per centum of his collections, which sum shall be full compensation for his services and those of any agent or agents whom he may employ. Said receivership shall continue until the amount of said liens, with interest thereon at the rate of six per centum, and of said commissions, have been fully paid; provided, that nothing in this section shall be construed to prevent any prior lienor from applying to the court in a proper case for a receiver of the property.

§ 151. **Cancellation of notice of pendency of the action.**—If an action to establish a lien upon tenement property terminate otherwise than in a judgment establishing such a lien, or if said judgment be fully paid, said notice may be cancelled in the manner prescribed by section one thousand six hundred and seventy-four of the code of civil procedure.

CHAPTER VI.

GENERAL PROVISIONS.

§ 161. **Repeal.**—All statutes of the state and ordinances of the city so far as inconsistent with the provisions of this act are hereby repealed; provided, that nothing in this act contained shall be construed as repealing or abrogating any present law or ordinance in any city of the first class, further restricting or prohibiting the occupation of cellars, or increasing the amount of air space to each individual occupying a room, or as prohibiting any future ordinance in respect thereto.

§ 162. **Building regulations.**—Except as herein otherwise specified, every tenement house shall be constructed and maintained in conformity with the existing law, but no ordinance, regulation or ruling of any municipal authority shall modify or dispense with any provision of this act.

§ 163. **Penalties.**—All penalties collected under this act shall be paid into the city treasury.

§ 164. **Time for compliance.**—All alterations hereby required upon now existing tenement houses shall be made within one year from the time when this act shall take effect, or at such earlier period as may be fixed by the departments charged with the enforcement of this act.

§ 165. **When to take effect.**—This act shall take effect immediately; provided, that sections one hundred and thirty-four and one hundred and forty-four shall not take effect until three months after the passage thereof. [Approved April 12, 1901.]

INTERNATIONAL LABOR STATISTICS.

Legislative Restriction of the Hours of Labor of Miners in Austria.

In Austria the hours of labor in mines were first regulated by law in 1884. A statute of June 21st of that year, besides restricting the employment of women and children, fixed the maximum duration of a shift for all miners at twelve hours, of which not over ten should be spent in actual work. Two possible exceptions to this general rule were provided for, the one allowing longer hours in extraordinary circumstances upon permit therefor from the government mining authorities, the other permitting, with the approval of the minister of agriculture, more hours on some days of the week in certain mountain districts, provided, however, that the total per week should not exceed 60 hours.

In 1898 the question of further restriction of the working time was raised by the minister of agriculture, who had undertaken extensive investigations into conditions in the mining industry, but the reply of the government council in 1899 was in the negative. Notwithstanding this decision, however, the minister proposed to continue the consideration of the question and to have the whole subject investigated by the bureau of labor statistics, when the matter was brought to a head, so far as concerns coal mines, in the forcing of the attention of the legislature to the subject by the great coal miners' strike of 1900.

As noted in an account published in BULLETIN No. 5 (vol. 2, p. 135), the chief point at issue in that conflict became finally the demand of the miners for an eight-hour workday. The strike terminated in the latter part of March, 1900, with defeat for the miners in their contention for a reduction in hours, but not before steps had been taken in parliament to provide for such reduction by legislation and the government had announced its intention of bringing in a bill for that purpose. True to its declaration the government introduced a bill for a nine-hour day on May 17, 1900, which was promptly reported out of committee for passage. The close of the session, however, prevented further action on this measure, but on March 7th of the present year the same bill

was reintroduced, passed by the lower house on May 22d with two slight amendments and on June 8th was accepted by the upper house without change.

By this act the law of 1884 is so amended that the duration of the shift in coal mines is limited to nine hours. Exceptions similar to those in the earlier law are still permitted, but regular extension of time for special reasons may not go beyond twelve hours per shift with ten hours of work, and where the exception is variation of time from one day to day in the mountain mines the weekly time must not exceed 54 hours. One year's time from the publication of the law is allowed for the institution of the new schedules.

The effect of this new law will be to reduce the length of the shift by three hours for 7 per cent of the coal miners in Austria, by two hours for 10 per cent, and by one hour for 54 per cent, the remaining 29 per cent, out of a total of 68,000 in round numbers, already enjoying a shift of nine hours or less.

The "social-political" committee of the lower house of parliament, as the result of its investigations in considering the bills for the new law, presented a report setting forth the grounds for the restriction embodied in the law as passed, which may be briefly summarized as follows.*

Starting with the proposition that the more dangerous or exhausting an employment the greater the need of leisure from work for the proper safe-guarding of the physical, intellectual and moral welfare of those employed therein, the report finds underground work in the mines to be both more dangerous and more menacing to health than other occupations, as shown by statistics under the compulsory insurance laws, thus:

NUMBER OF FATAL ACCIDENTS PER 1,000 INSURED.

	1890.....	1.45
	1891.....	1.92
	1892.....	3.95
In mines.....	1893.....	1.80
	1894.....	3.00
	1895.....	1.65
Average number in other industries, 0.58.		

* An analysis of this report appears in "Soziale Rundschau," the official journal of the Austrian bureau of labor statistics, for May, 1901, p. 505. To that journal the BULLETIN is indebted for most of the material for this article.

CASES OF SICKNESS PER 100 INSURED.

	Among miners.	In other trades.
1893	75.50	46.25
1894	78.40	42.66
1895	83.30	46.34

Such facts affording grounds for a reduction in hours of work, the report next considers the bearing of such a reduction in the case of coal mines upon the successful operation and development of the coal mining industry and its ability to meet the demand for coal. It was estimated that a reduction to the nine-hour shift, as proposed, would require 3,550 additional miners in order to keep the total production of coal up to previous figures, and this would tend to increase the cost of production. On the other hand, it was found that although in recent years the consumption of coal in Austria had largely increased, nevertheless so greatly had better methods and tools increased the productivity of the labor employed that the price had changed but little. Further progress of the same sort, use of modern machines, processes, etc., might, therefore, still further increase the effectiveness of labor so that the total production would not only not be decreased under the nine-hour day, but would even be increased. At the same time, however, the report notes that the statistics of demand at home and of coal exports and imports indicated a progressive increase in domestic consumption of coal. Also, that while the drawing off of 3,550 workers into coal mining might not ordinarily have any serious effects on other industries, still the well-known difficulty of securing labor in coal mines in Austria might make such a transfer a matter of some moment.

The above considerations led a majority of the committee to report in favor of the nine-hour shift for coal mines. The question of reducing hours in other mines was considered, but the fact that the danger to life in other lines is not so great as in coal mines, and the further fact that in 1897 out of 10,000 miners employed in the clay, graphite, asphalt and rock salt mines 10.22 per cent already had a nine-hour shift and 55.69 per cent enjoyed an eight-hour shift, determined the committee to recommend the leaving of the question of reduction of hours in other lines until the results of the change in coal mining

could be ascertained. Two minority reports were presented, however, both in favor of an eight-hour shift for all mines, one demanding its institution at once, the other recommending three years' time for introducing it.

It is of interest to note that in view of the prevalence of alcoholism in many of the coal mining districts and the danger that that evil might interfere with the best improvement by the miners of increased leisure, the committee close their report with a unanimous resolution calling upon the government to use every effort to suppress the evil, and at the same time, by sanitary inspection, to improve conditions in the miners' dwellings, to establish miners' schools, to restrict to the utmost the employment of young women in the mines, and to take other similar steps for improving the condition of the miners, which resolution was adopted by the lower house of parliament.

Strikes in France in 1900.

The French Bureau of Labor Statistics has published its annual report on industrial disputes and arbitration, according to which the number of strikes and lockouts in 1900 was 902; the number of employees directly involved 222,714 (180,591 men, 29,753 women and 12,370 minors); the number of establishments 10,253. The strikers and those locked out lost 2,645,053 days of work, and 26,757 other employees thrown out of employment by the closing of factories on account of disputes 1,115,524 days, making the aggregate number of days lost 3,760,577.

In 1899 there were 740 conflicts, which occasioned a loss of 3,550,734 days' employment.

Five industries furnished 71 per cent of all the disputes of 1900: Textiles 236 disputes and 49,418 employees involved; building industry 130 and 13,540, respectively; transportation 128 and 47,125; metal trades 109 and 18,394; mining 41 and 41,927. The totals in these five industries were 644 disputes and 170,404 employees.

In 552 disputes out of the 902 the workpeople were members of trade unions, while the existence of an employers' association was ascertained in 253 cases. Trade union benefits were regularly paid to strikers in 42 disputes.

As to the results of strikes, the report shows that the workmen won 205 disputes in which 24,216 employees were in-

volved; lost 337 disputes affecting 58,140 employees, and compromised 360 disputes involving 140,353 employees. As compared with previous years the proportion of disputes won or lost has diminished, and that of compromised disputes increased. The following table shows the net results on wages of disputes caused by demands for increased or decreased compensation:

RESULT.	NUMBER OF		AVERAGE DAILY WAGES		Days lost.	WAGES LOST.		No. days required to make up loss.	RESULT AFTER 1 YEAR'S WORK.		
	Disputes.	Employees involved	Before strike.	After strike.		Total.	Per capita.		Total increase in wages.	NET INCREASE.	
										Aggregate.	Per capita.
<i>Strikes for increase of wages.</i>											
Won	97	34,366	4.45	5.00	306,631	907,006	28.93	48	5,944,602	4,367,596	141.18
Compromised..	193	75,198	4.39	4.67	1,347,333	5,361,610	71.39	186	8,677,456	8,315,846	44.09
Lost.....	193	86,358	4.31	4.31	747,339	3,181,943	53.32	.....	.....	.....	.....
Total.....	474	145,471	4.39	4.66	2,198,298	9,430,558	63.45	199	14,832,058	5,101,490	34.36
<i>Disputes caused by proposed reductions in wages.</i>											
Won	13	2,226	3.02	3.26	12,549	37,970	17.05	71	164,443	126,473	56.31
Compromised..	7	1,033	3.36	4.43	4,135	16,368	15.37	47	105,641	89,396	63.84
Lost	9	1,422	4.06	4.35	10,579	46,056	33.38	.....	.....	.....	.....
Total	34	4,711	3.69	3.87	27,363	100,394	31.80	113	270,106	199,712	36.00
Grand total..	508	153,184	4.27	4.59	2,225,561	9,530,952	63.15	195	14,792,164	5,371,311	34.41

As a result of these 508 disputes, 153,184 advanced their daily wages from an average of 85 cents to 91 cents—an average increase of 6 cents a day. In so doing they lost altogether 2,225,561 days' employment or 9,520,953 francs in wages, supposing they would have worked steadily had the dispute not occurred—a loss which they would recover in 195 days of work at the increased rate. At the end of 300 days' or one year's work, the six cent advance per day would yield a surplus of 14,792,164 francs, or 5,271,211 francs more than the loss assumed to be caused by stoppage of work. In other words, each striker, at the end of the year, would have gained 34.41 francs or \$6.64.

Of the 902 disputes of 1900, 579 lasted a week or less, and of these 118 lasted from 1 to 2 days, and 162 lasted only a day or less than a day. Eight strikes lasted more than 100 days.

In one-fourth of the disputes recourse was in some form had to the arbitration and conciliation law of 1892, the proportion having been slightly larger than in preceding years, as shown in the following table:

	Seven years, 1893-99.	1900.
Number of disputes.....	3,870	902
Number of appeals under the law before strike.....	33	9
Number of cases under the conciliation law initiated by—		
{ the employers.....	23	6
{ the workmen.....	425	141
{ both parties.....	18	8
{ magistrates.....	312	79
Total.....	778	234
Percentage of disputes appealed.....	23.1	25.9
Number of disputes terminated under the law before the formation of a committee.....	54	14
Number of disputes in which conciliation was rejected by—		
{ the employers.....	245	88
{ the workmen.....	17	3
{ both parties.....	26	5
Total.....	288	96
Number of disputes abandoned after rejection of conciliation.....	34	10
Number of disputes begun or continued after rejection of conciliation.....	251	86
Number of conciliation committees.....	438	128
Ratio of committees formed to appeals under the law.....	66.3	54.7
Number of committees successful in—		
{ conciliation.....	183	60
{ arbitration.....	24	18
Total.....	207	78
Ratio of successful committees to all committees formed.....	47.3	60.9
Number of refusals to accept arbitration by—		
{ the employers.....	76	16
{ the workmen.....	11	5
{ both parties.....	50	9
Total.....	137	30

Strikes and Arbitration in Germany in 1900.

Volume 141 of the official publications of the German Imperial Statistical Office is devoted to the industrial disputes of 1900. Only 38 lockouts are specified, involving 9,085 workmen. The number of strikes ended in 1900 was 1,433 involving 7,740 establishments, of which 2,733 were forced to shut down. The number of employees in all the establishments involved was 298,819, and of these 52,904 belonged to those occupations in which strikes were initiated. The largest number of strikers at any time was 122,803, of whom 15,417 were under 21 years of age; 86,709 of the strikers did not quit work without giving the legal notice, while 36,094 broke contracts by their failure to give notice in due season. The shut down of workshops threw out of employment 9,007 employees not participating in the disputes.

Two hundred seventy-five strikes resulted in the complete success of the working people and 653 in their failure; while 505 were compromised.

A large proportion of strikes were caused by demands for increased wages or shorter hours, thus:

CAUSES OF STRIKES IN GERMANY, 1900.

<i>Question of Wages:</i>		<i>Other Causes:</i>	
Maintenance.....	99	Change in method of payment.....	83
Increase.....	956	Reinstatement of dismissed employees....	183
Extra time.....	203	Employment of particular persons.....	56
Auxiliary work.....	71	Discharge of foremen.....	37
Advance payments.....	29	Allowance of May 1 as Labor Day.....	36
Other.....	73	Sanitary or hygienic improvements.....	48
Total.....	1,436	Employment on non-union material.....	14
		Better treatment.....	22
<i>Question of Hours:</i>		Recognition of employees' committee.....	64
Maintenance.....	12	Posting of working rules, introduction of	
Shorter hours.....	345	wage scales, etc.....	57
Overtime.....	46	Other.....	215
Saturday hours.....	93	Total.....	890
Other.....	14		
Total.....	510		

These figures pertain to the demands made in all the strikes and therefore exceed the number of strikes, since more than one grievance or demand usually accompanies each strike.

Labor organizations were concerned in 869 of the strikes and made contributions to the support of strikers in 625 cases.

The following additional particulars are interesting:

	Number estab- lishments.	Number employees before strike.	Number employees on strike.	NUMBER OF STRIKES.			
				Suc- cess- ful.	Failed.	Com- pro- mised.	Total.
All strikes	7,740	296,819	122,903	275	653	505	1,433
Aggressive strikes.....	7,273	253,062	110,576	202	466	459	1,127
Defensive strikes.....	467	43,757	12,327	73	187	46	306
Strikes affecting but one firm	1,018	140,596	44,464	200	550	268	1,018
Strikes affecting more than one firm	6,722	156,223	78,339	75	103	237	415
Strikes in which trade organiza- tions participated	6,838	226,174	98,570	139	368	382	869
Aggressive.....	6,569	196,614	92,406	100	263	340	703
Defensive.....	269	27,560	6,164	39	105	22	166
Strikes in which trade organiza- tions did not participate	902	72,645	24,333	136	285	143	564
Aggressive.....	704	54,438	18,170	102	203	119	424
Defensive.....	198	18,207	6,063	34	82	24	140
<i>Duration of Strikes:</i>							
Less than 1 day.....	197	13,069	4,042	32	102	23	156
1-5 days.....	1,112	86,481	31,909	133	239	184	556
6-10 days.....	898	33,610	14,374	33	87	80	200
11-20 days.....	1,517	53,298	24,010	33	63	79	175
21-30 days.....	899	24,094	8,318	22	45	58	125
31-50 days.....	1,589	40,472	21,004	14	44	52	110
51-100 days.....	1,118	43,912	16,322	8	72	41	121
101+ days.....	460	4,923	2,824	.....	11	9	20
<i>Magnitude of Strikes:</i>							
2-5 strikers	121	2,413	433	25	68	16	109
6-10 ".....	265	8,308	1,655	43	109	51	203
11-20 ".....	519	23,350	4,376	61	177	81	319
21-30 ".....	359	23,095	4,654	33	87	64	184
31-50 ".....	473	21,459	7,476	44	71	72	187
51-100 ".....	1,156	41,772	15,495	35	70	104	209
101-200 ".....	1,115	47,494	16,009	17	41	55	113
201-500 ".....	1,573	46,693	23,297	12	17	44	73
501 + ".....	2,159	83,806	48,908	.....	13	18	31
<i>Results of Strikes:</i>							
Completely successful	849	27,636	12,713	275	.....	.....	275
Unsuccessful.....	1,834	145,793	43,582	.....	633	.....	633
Compromised.....	5,057	138,390	66,508	.....	.....	505	505

As is generally known the industrial courts in existence in Germany since 1890 are principally concerned with the settlement of disputes between employers and employees regarding contracts existing between them; but these courts also have certain functions in the way of conciliation and arbitration of disputes arising from the terms of proposed contracts of employment. These functions have been considerably extended by a law passed June 30th, which comes into force on January 1, 1902.

According to the Labor Gazette, the industrial court upon which the previous law imposed the duty of acting as a board of conciliation in every case in which its intervention was requested by both parties to a difference, while it had also power, at its discretion, to so act in any case in which such a request was received from one party only, is now expressly charged with the duty of taking all the means in its power to induce the party abstaining from preferring such request, or both parties, if both have so abstained, to send in a demand for the interposition of the court. The president of the industrial court (who also acts as chairman of the board of conciliation) is, under the new law, authorized to summon before the board the parties to the dispute, and, if the formation of the board has been requested by both or either of the parties, then he will have the right to compel their attendance, disobedience to his summons being punishable by a fine up to \$25.

In the constitution of the conciliation boards the new law makes certain alterations. As under the previous law, the boards of conciliation will have no power to enforce the acceptance of their decisions; but if not accepted by both parties, the decision is to be made public.

In addition to their functions with respect to the settlement of differences between employers and employed, the industrial courts have been under the obligation to give their advice on labor questions, when asked so to do by government departments, or by local authorities, and have possessed the right to make representations in relation to such questions to such departments and authorities; they will now be empowered to address such representations also to the Legislature of the Empire and of the different States. The new law provides that these courts shall be established in all towns with a population exceeding 20,000 inhabitants.

Miscellaneous.

In the July Bulletin of the United States Department of Labor, Prof. W. E. Burghardt Du Bois of Atlanta University presents extensive statistical data concerning the "Negro Landholder of Georgia," and Rev. Alexander Kent describes existing socialistic experiments under the title, "Coöperative Communities in the United States."

The principal article of the August Bulletin of the Massachusetts Bureau of Labor Statistics is on "The Relative Cost of Home-Cooked and Purchased Food." It embodies the results of a year's investigation by a fellow of the Association of Collegiate Alumnae. The Bulletin also summarizes the leading American court decisions relating to labor in 1900, and gives a semi-annual record of strikes in Massachusetts.

The fifteenth annual report of the United States Commissioner of Labor is a compilation, from official sources, of "Wage Rates in Commercial Countries." For nearly seven years the commissioner has had some of his clerks at work transcribing quotations of wages and hours from official reports of all countries; they examined 1,500 publications and copied therefrom about 1,250,000 quotations, of which 900,000 were found sufficiently definite for use. These quotations, which show lowest, highest and average daily wages and weekly hours of work, are arranged primarily by occupations and in chronological order thereunder.

Among the recent publications of the French Bureau of Labor Statistics are a report on water power in France to accompany the earlier report on steam power (see BULLETIN, March, 1901, page 43) and a report upon the labor and social legislation of Australia and New Zealand by a university fellow, who visited Australasia for the purpose. M. Métin in his report gives a very clear account of the radical legislation in these new communities which were until lately British colonies and are now (with the exception of New Zealand) states of the Commonwealth of Australia. The New Zealand system of land and income taxation is fully described, but the writer thinks that the most original laws are the New Zealand compulsory arbitration act and the Victorian act prescribing a minimum wage and creating special trade boards for the purpose of combating the sweating system.

DECISIONS OF NEW YORK COURTS.

The Eight-Hour Law.

On July 10, 1901, the Court of Appeals handed down a decision in the case of the People ex rel. Lentilhon vs. Coler. Although the original contest arose out of the refusal of the comptroller of the city of New York to audit bills against the city in favor of a contractor, on the ground that the latter had violated the provisions of the "eight-hour" and the "prevailing rate of wages" laws, the present decision of the Court of Appeals in no wise touches upon the constitutionality of those laws. The only point decided was as to whether the granting or withholding of a peremptory writ of mandamus is discretionary with the Supreme Court or is reviewable by the Court of Appeals. The facts in the case and the scope of the decision are clearly indicated in the opinion presented by Judge Bartlett, as follows:

Application was made to the Supreme Court for a common law writ of mandamus, requiring the defendant, as comptroller of the city of New York, to draw his warrant for a sum that the relator claimed to be due him. The Special Term denied the writ, the Appellate Division affirmed, and, as it does not appear in the order that the writ was refused on a question of law only, this court must assume that it was denied in the proper exercise of the discretion of the Supreme Court, which cannot be reviewed here.

We are not permitted to look into the opinion of the Appellate Division to ascertain the grounds upon which it proceeded, but in the case before us the conceded facts establish that the Supreme Court could have denied the writ in the exercise of its discretion.

"The comptroller of the city of New York resisted the payment of the claim on two grounds, based on the relator's alleged violations of the Labor Law, viz.: (1) In that he compelled or allowed his employees to labor more than eight hours a day, and (2) in that he had not paid his mechanics, workmen and laborers the prevailing rate of wages. This last ground is removed from the case by the recent decision of this court in People ex rel., Rodgers vs. Coler (166 N. Y., 1), where it is held that the Labor Law, so far as it relates to the prevailing rate of wages, is unconstitutional.

This leaves but one issue to be tried, to wit, the constitutionality of the provision of the Labor Law of 1897, as amended, which prohibits more than eight hours of work in any calendar day under contract with the state or a municipal corporation.

The issue presented in this case is one of great importance and it was clearly within the discretion of the Supreme Court to remit the parties to a common law action. (168 N. Y., 6.)

A dissenting opinion read by Judge Landon, while holding that the action of the lower court was reviewable and that the decision should have stated what order the law required upon the facts presented, agreed with the prevailing opinion in declining to discuss the validity of the eight-hour law.

Trial for Boycotting as Conspiracy.

Five members of the Retail Clerks' Protective Association No. 425, of Canandaigua, N. Y., were placed on trial on July 8th before Justice A. P. Rich of the Supreme Court, charged with conspiracy against one Fred W. Kinde, a Canandaigua merchant. The charge of conspiracy was based on an alleged boycott instituted against Kinde by the union. The organization, with a view to securing a shorter workday for clerks, had presented to Kinde and other merchants certain demands which were refused by Kinde. In the effort to get him to accede to these demands, Kinde's name was placed on the "unfair list," and a yellow circular was printed and circulated by the union, in which Kinde and two others were mentioned by name and charged with "unfairness to the union." It was upon this circular that the indictment against the members of the union was principally based.

According to newspaper reports, the testimony taken during the trial brought out the fact that on a certain evening union men had gathered in front of the store of Kinde, who with other merchants had kept open a half hour later than the union closing time, and one or two witnesses testified that they had been threatened for trading at the boycotted establishment. At the same time the evidence showed that the defendants at no time considered that they were taking action not strictly legal, and that the one who caused the circulars to be printed, when warned against circulating them after some of them had been given out, had destroyed the remainder.

The trial lasted four days and ended in a verdict of not guilty on July 12th, after five hours' deliberation by the jury.

Breach of Contract of Employment.

The following is a summary of a decision by the Appellate Division, in the Second Department, rendered at the June term, in the case of *Shaff vs. Schlachetzky*, which decision unanimously affirmed judgment for the plaintiff employee by the lower court:

In an action by an employee against his employer to recover for an alleged breach of the contract of employment, in which the sole question litigated was whether the plaintiff's employment was for a certain period or by the week, the defendant is not entitled to show the terms under which his workmen, other than the plaintiff, were employed. (62 App. Div., 459.)

Employers' Liability.

Negligence of Employer in Case of Violation of the Child Labor Law.—At the June Term in the First Department, the Appellate Division unanimously reversed the judgment of the Supreme Court dismissing complaint, and ordered a new trial in the case of *Marino vs. Lehmaier* (62 App. Div., 43). The facts, and the bearing of the decision upon the question of employers' liability where children under 14 are employed contrary to the Labor Law, are thus summarized in the official reporter:

In an action to recover damages for personal injuries sustained by the plaintiff, it appeared that the defendant employed the plaintiff, a child twelve years of age, as an errand boy, and that after the lapse of two or three months he placed him at work operating a machine in his factory in violation of section 70 of the Labor Law (Laws of 1897, chap. 415), which provides that a child under the age of fourteen years shall not be employed in any factory, and that, while engaged in cleaning the machine after it had been stopped, the plaintiff's fingers were caught in a cog-wheel and he was injured.

Held, that it was error to dismiss the complaint:

That the evidence that the plaintiff was employed in a factory in violation of the statute justified a finding that the defendant was guilty of negligence;

That as the plaintiff was put to work on the machine, not by his own request, he had not, as a matter of law, waived the right to hold the defendant liable for violating the statute.

Assumption by an Employee Operating a Defective Machine, Constituting a Violation of the Factory Act, of the Risk of Injury Involved in Its Use.—In the case of *Thompson vs. Cary Manufacturing Company* the Appellate Division of the Supreme Court, First Department, June Term, affirms the judgment of the lower court in favor of the defendant in a decision touching the matter

of an employer's liability in case of injury resulting from machinery that is defective contrary to the Factory Act. The prevailing opinion, from which two judges dissented, is thus summarized:

Where a boy employed to superintend the operation of a machine, which had been temporarily stopped by removing the driving belt from a fixed pulley on an overhead revolving shaft, requests the foreman in charge of the room to readjust the belt, and, upon receiving a refusal, attempts to readjust it himself, and in so doing has his wrist caught, his arm torn off and his legs fractured, he cannot recover damages from his employer for the injuries so sustained even though it be assumed that the absence of a loose pulley on the machine and the presence of set screws in the revolving shaft near the fixed pulley constituted defects in such machinery and were a violation of the Factory Act, and that the accident occurred from something relating to the condition of the revolving shaft and the pulley and the belt at that shaft, where it appears that the boy knew of the condition of the machinery. (62 App. Div., 279.)

Negligence of Master in Failing to Notify Foreman of Rule.—The Court of Appeals on June 4th unanimously affirmed a decision of the lower court sustaining a verdict for the plaintiff in *Daley vs. Brown* (45 App. Div., 428). The suit was brought on the ground that the employer had been negligent in the manner indicated by the following summary of the decision:

In an action to recover damages for personal injuries, caused by the alleged negligent shifting of a derrick engine which had become misplaced, brought by a laborer employed in excavating, who had been directed by the foreman to leave his usual work and assist in its replacement and while so doing was injured, a finding that the foreman had authority and it was his duty to superintend and direct the work of shifting the engine so that the rule requiring the lowering of a boom before the shifting of the engine, although communicated to the engineer, should have been communicated to the foreman, is warranted by evidence that he had general charge and superintendence of the work of excavating and hired the laborers, who were supposed to obey his instructions; that although he did not hire him he gave the engineer instructions most of the time; that the latter simply ran the engine upon signal of the foreman or one of his men; that he never applied the power without the signal, and that none of the men engaged in the shifting of the engine were under his orders, and he gave them no directions whatever, but all were under the direction of the foreman. (*Daley vs. Brown*, 167 N. Y., 381.)

Negligence—Injury to an Employee Killed by the Bursting of a Tee in a Steam Pipe.—The following unanimous decision of affirmance, as condensed by the official report, was rendered by the Appellate Division, Fourth Department, at its June Term, in

Meeker vs. Remington & Son Co. No. 1, the lower court having found for the plaintiff:

In an action brought to recover damages resulting from the death of the plaintiff's intestate, it appeared that the defendant in enlarging its mill put in a new engine; that the steam pipes leading to the new engine connected with the other steam pipes in the mill, and that there was no valve by which the steam could be shut off from the new line of piping, and that no adequate facilities had been supplied for the purpose of draining the condensed steam from the new piping; that for two days before, as well as on the day of the accident, while steam was being generated in the boilers and allowed to pass through the entire line of piping, it was discovered that water was leaking at the tee in the steam pipe from which it was designed to take the steam over to the new engine; that, between nine and ten o'clock on the day of the accident, the defendant's superintendent, having had his attention called to the leakage, opened a valve, whereupon a pounding, technically known as "water hammer," followed, and in a very short time thereafter the tee burst, and the plaintiff's intestate, who was in the defendant's employ, was killed by the escaping steam.

Held, that the evidence was sufficient to warrant the jury in finding that the defendant was guilty of negligence (62 App. Div., 472.)

Negligence—Use of a Gravel Car Without Brakes as a Trailer to an Electric Passenger Car on a Steep Grade—Effect of Knowledge on the Part of the Motorman of the Absence of the Brakes.—A judgment by the Supreme Court for the plaintiff in *Griffin vs. Ithaca Street Railway Company* was unanimously affirmed by the Appellate Division, Third Department, at its June Term, as follows:

In an action to recover damages for personal injuries it appeared that the plaintiff was a motorman in the employ of the defendant, an electric street railway company; that on the day of the accident the superintendent of the defendant directed the plaintiff to take a passenger car and with it get a gravel car and draw a load of gravel to a particular place; that while the passenger car, loaded with the gravel car in the rear, was proceeding down a steep grade, the passenger car, for no other reason than the weight of the gravel car, began to slide; that the plaintiff set all the brakes on the passenger car and reversed the power, but was unable to stop it until it collided with another car, causing the plaintiff to sustain serious injuries. It appeared that the passenger car was fully equipped except that there was no sand in the sand box, nor any appliance for its delivery, if there; that there were no brakes or men on the gravel car to aid in handling it, facts which were known to the plaintiff; that it was a heavy car, which had been constructed by the defendant; that the passenger car which the plaintiff was directed to take was the lightest car owned by the defendant, and that the lighter the car the less power the emergency brakes thereon would have in holding back the heavy car in the rear.

Held, that it was negligence for the defendant to send out the gravel car to be used on the steep grade of its road without brakes and without men in charge of them;

That, notwithstanding that the plaintiff knew that there were no brakes on the gravel car, there still remained a question of fact as to whether the plaintiff knew and appreciated the danger in using such gravel car without brakes, and also whether the defendant did not have, or should not have had, knowledge superior to that of the plaintiff in regard to such danger. (62 App. Div., 551.)

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EDITORIAL SUMMARY.

State of Employment. During July, August and September the conditions of employment among the members of labor organizations in New York State were unusually good; in fact only once in the past five years have they been surpassed in the same season. During the third quarter of 1899 only 2.3 per cent of the trade unionists were continuously idle; last year 5.4 per cent and this year 3.1 per cent. Similarly the proportion of unionists idle at the end of September was 4.7 per cent in 1899, 13.3 per cent in 1900 and 6.9 per cent in 1901. Precisely the same conditions are shown by the average number of days worked in the third quarter, namely, 71 in 1899, 67 in 1900 and 70 in 1901. As a result, the average quarterly earnings of men in 1901 were about \$12 more than in 1900 and \$3 less than in 1899. This slight difference in favor of the Fall of 1899, which it may be remarked was a phenomenally prosperous season, is in the main due to some loss of employment in the building trades of New York City. Elsewhere the building trades are unusually active; carpenters' unions in Rochester, Glens Falls and other places report that "work is very brisk; the demand exceeds the supply." In fact nearly every trade except the clothing and theatrical trades in the interior towns and cities worked full time, and the clothing trade is reported by State factory inspectors to be unusually busy, with wages generally advanced in leading centers like Rochester and also in the metropolis.

**Membership
of Labor
Organizations.**

The unusually busy season in the clothing trades of New York City during the late summer and early autumn induced some 15,000 garment workers to join the unions. The metropolitan unions also gained membership in other trades, while the "up-state" unions also made slight gains; the net result being a quarterly increase in membership of more than 20,000. The total membership at the end of September was 276,141, which is by far the highest figure yet attained. The number of female members of unions was 14,618, a gain of nearly 40 per cent and attributable to the influx of garment workers in New York City.

**Building
Statistics.**

That the recent activity developed in the building trades will continue may be assumed from the increased number of buildings projected, as shown by the number of permits granted in the larger cities. In both New York City and Buffalo the estimated cost of buildings for which plans were approved by the city authorities in July, August and September of this year was largely in excess of the figures for the same period last year, while in Rochester and Syracuse the recent figures are almost unprecedented. The building departments of Albany and Troy, the remaining cities of the second class, do not ascertain the probable cost of projected buildings.

**Immigration
Statistics.**

Immigration at the Port of New York in the third quarter of 1901 continued at the same rate as in 1900, the number of arrivals in the three-month period of each year having been slightly more than 83,000. The Southern Italians still constitute the largest contingent (about one-fifth of the entire number), followed by the Hebrews, Poles and Germans. Of the immigrants 14 years old and over, 18,725, or 27 per cent, could neither read nor write. The largest degree of illiteracy was found among the Portuguese (82 per cent), while only 1 per cent of the adult immigrants from Scandinavian countries

were illiterate. Of the Southern Italians 55 per cent were illiterate, and of the Northern Italians only 12 per cent. The disparity is due to the lack of public schools in Southern Italy.

**Trade
Disputes.**

The principal dispute between employers and employees of recent occurrence was the strike, on November 19th, of the yardmen employed by the New York, New Haven and Hartford Railroad. The demands of the strikers touched upon the dismissal of certain superintendents and other officials. Deputy Commissioner Lundrigan and Mediator B. Stark, of the State Board of Arbitration, succeeded in adjusting the difficulties and the men returned to work after receiving the company's promise to investigate all grievances. Representatives of the Board of Arbitration were also actively interested in the settlement of other trade disputes, but their endeavors to arrange conferences between the disputants were frequently unsuccessful.

**Trade
Unionism
Abroad.**

The numerical strength of workingmen's organizations is a matter of so much general interest that the editors of the BULLETIN have gathered statistics showing the membership of trade unions in all the principal countries. Great Britain has nearly two million unionists, the United States one and one-half million, Germany one million, and France somewhat more than half a million. These are the four leaders of modern industry; other countries fall considerably behind, although some of them, like Denmark, have a large membership in comparison with their total population.

**Printers'
Agreement.**

An important agreement has been entered into by the employing printers of New York City, associated in the New York Typothetæ, and the workmen belonging to Typographical Union No. 6, which insures an increase of wages of one dollar a week for compositors in the book and job branches of the trade the sixth of next January and a further

increase of fifty cents a week on October 1, 1902. The agreement is binding for three years, and a permanent conference committee is to be appointed to settle all disputes as to the construction of shop rules, which are to be prepared by a joint committee between now and March 1, 1902. This agreement affords another illustration of the successful avoidance of labor disputes by the thorough organization of both employers and employees and the recognition on both sides of their mutual interests.

Violations of the Eight Hour Law. The Department of Labor, upon investigation, has sustained seven violations of the provision of the Labor Law which prescribes that contractors on State or municipal work shall not require or permit their employees to work more than eight hours a day. The enforcement of the law is resisted by the contractors on the ground of unconstitutionality and in one county the presiding judge advised the grand jury that it is unconstitutional. Indictments have, however, been brought in by the grand jury of Orange county.

Judicial Decisions. A sensational incident of judicial proceedings was the indictment of a labor organizer as a public nuisance in Chautauqua county. Such an unusual prosecution was not long maintained, for the county judge sustained a demurrer filed by the defendant to the effect that the offences charged did not constitute a crime, thereby dismissing the indictment. But he sustained the indictment brought in on another count, namely, the charge of circulating false rumors with the purpose of affecting the price of stocks and bonds of some Jamestown corporations. The defendant was held to await trial at the county court, December 9, 1901.

Sunday Closing of Butcher Shops. A test case was recently tried under the act of 1901 requiring the closing of meat shops on Sunday, and the constitutionality of the law was sustained in a decision by Judge Giegerich of the Supreme Court.

REVIEW OF RETURNS FROM LABOR ORGANIZATIONS FOR QUARTER ENDED SEPTEMBER 30, 1901.

I. Number and Membership of Unions.

The growth of organized labor in New York State, which temporarily ceased between June, 1900, and March, 1901, and then resumed its way, was largely accelerated in the present quarter, June 1 to September 30. The number of organizations increased by 76 and the aggregate membership by 20,511, which with one exception (quarter ended September 30, 1899, when the increase was 20,565, or 54 more) is the largest quarterly growth thus far recorded. The natural result is the attainment of by far the largest strength, so far as strength can be measured by membership, that organized labor has yet reached in this State, as appears below:

TABLE 1.

DATE.	Organizations.	MEMBERSHIP.				
		Men.	Women.	Total.	In N. Y. City.	In other places.
1897, September 30.....	1,009.....	163,690	5,764	168,454	.....	.....
1898, September 30.....	1,087.....	163,562	7,508	171,067	.....	.....
1899, September 30.....	1,320.....	200,962	8,083	209,020	141,687	67,333
1900, September 30.....	1,635.....	233,553	11,628	245,381	154,304	90,877
1900, December 31.....	1,679.....	232,080	10,404	242,484	150,278	92,206
1901, March 31.....	1,748.....	234,792	10,128	244,915	149,849	95,066
1901, June 30.....	1,805.....	244,648	10,982	255,630	155,290	100,340
1901, September 30.....	1,881.....	261,523	14,618	276,141	174,022	102,119

Whereas the number of male members of unions has almost uniformly increased in each quarter of the past year, the number of female members declined and has only now reached the figures attained one year ago. Those figures are in fact exceeded by almost one-fourth. And while in the preceding quarter the increase in membership was about evenly divided between New York City and the interior places, the present increase is largely confined to the metropolis. Both of these results are explained by the fact, brought out in the following tables, that the present increase is in large measure due to the spread of unionism among the garment workers of New York City.

TABLE 2.
NUMBER AND MEMBERSHIP OF LABOR ORGANIZATIONS—BY INDUSTRIES.

GROUPS OF TRADES.	ORGANIZATIONS.					MEMBERSHIP, SEPTEMBER 30.			
	June 29.	Sept. 30.	In-crease.	Increase in		Men.	Women.	Total.	Increase (+) or decrease (—) in 3 mos.
				N. Y. City.	Other towns.				
Building, stone working, etc.	506	515	9	..	9	85,401	..	85,401	1,500 +
Clothing and textiles.....	142	150	8	2	6	81,736	10,157	41,883	14,337 +
Metals, machinery, etc.....	314	333	19	2	17	85,542	27	35,563	529 +
Transportation.....	220	240	11	..	11	84,868	3	84,371	1,627 +
Printing, binding, etc.....	96	99	3	..	3	17,090	908	17,996	292 +
Tobacco.....	56	57	1	..	1	7,731	2,489	10,310	391 —
Food and liquors.....	114	120	6	..	6	9,451	..	9,451	188 +
Theaters and music.....	36	38	2	..	2	11,179	509	11,688	451 +
Wood working and furniture	68	71	3	1	2	8,388	23	8,390	329 +
Restaurant and retail trade.	89	83	a 6	a 1	a 5	6,802	502	6,804	237 —
Public employment.....	66	81	15	2	13	8,123	10	8,143	481 +
Miscellaneous.....	59	94	5	..	5	6,883	..	6,883	1,205 +
	1,805	1,881	76	6	70	261,523	14,618	276,141	20,511 +

a Decrease

The net increase in number of organizations making returns was 76, but the actual increase was 104, since 28 old unions disappeared from the list through dissolution or amalgamation. In New York City four unions were amalgamated and two lapsed, while in the remainder of the State 22 organizations lapsed. The only group of trades that sustained an actual decrease is that of restaurants and retail trade.

TABLE 3.

GROUPS OF TRADES.	Sex.	NEW YORK CITY.			OTHER CITIES AND TOWNS.		
		June 29, 1901.	Sept. 30, 1901.	Increase or decrease.	June 29, 1901.	Sept. 30, 1901.	Increase or decrease.
1. Building, stone working, etc...	M	60,637	63,681	1,994+	23,214	22,720	494—
	F	15,741	26,080	10,319+	5,410	5,666	256+
2. Clothing and textiles.....	M	2,727	6,810	4,083+	3,478	3,817	131—
	F	15,938	17,021	1,083+	19,070	18,531	539—
3. Metals, machinery, etc.....	M	25	20	5—	..	..	..
	F	10,896	10,897	1+	21,845	23,471	1,626+
4. Transportation.....	M	8	8	..	..	..	..
	F	13,699	13,943	244+	3,117	3,137	20+
5. Printing, binding, etc.....	M	498	490	18—	380	426	46+
	F	4,403	4,230	173—	3,533	3,491	42—
6. Tobacco.....	M	2,530	2,842	188—	133	147	14+
	F	4,807	4,781	76—	4,456	4,720	264+
7. Food and liquors.....	M	8,581	9,072	491+	1,964	2,107	143+
	F	637	453	204—	35	56	21+
8. Theaters and music.....	M	4,997	5,845	848+	2,912	2,393	519—
	F	..	..	..	22	23	..
9. Wood working and furniture..	M	1,337	1,233	99—	5,311	5,064	147—
	F	255	310	55+	228	194	36—
10. Restaurant and retail trade ...	M	6,507	6,908	401+	1,118	1,224	91+
	F	..	..	..	11	10	1—
11. Public employment.....	M	1,000	978	22—	4,178	5,405	1,227+
	F	..	..	..	..	..	..
12. Miscellaneous.....	M	148,595	163,601	15,009+	96,033	97,919	1,886—
	F	4,695	10,418	3,723+	4,287	4,200	87—
Total.....	T	135,290	174,022	18,732+	100,310	102,119	1,779+

Notwithstanding this rapid increase of membership in the clothing and textile trades, it is not necessarily a mushroom growth. In fact the present membership falls short by 10,000 of the figures attained in 1895, when the total membership in Group 2 was 51,921. Only 7,268 of these were women as compared with 10,157 at present; but the number of male garment workers then organized was 10,000 larger than the number now organized, and the number of men in the other organized trades of this Group (hats and caps, boots and shoes, textiles, etc.) was likewise at that time somewhat larger than at present.

The large membership attained by the clothing trades organizations in 1895 was not long maintained and the same fate may be in store for the present large membership. But many persons interested in the clothing business are of the opinion that the unions have been steadily growing in strength and unity of purpose. The fact that the union movement has reached so many women garment workers is noteworthy. Outside of those trades the number of female trade unionists generally declined.

While the largest growth of the past quarter has been in Group 2, most of the other Groups have made respectable gains, and only the tobacco trades and retail trade have lost ground. The tobacco trades fluctuate considerably in membership, frequently losing in one quarter what they have gained in the preceding quarter. Their present membership aggregates 2,000 less than the membership of one year ago.

The increase in Group 1 is found in the metropolis and is to be credited chiefly to the stone trades. In Group 3 the increase is likewise confined to New York City, the remainder of the State having lost membership in both cases. In the transport trades, on the other hand, the gain is entirely outside the metropolis, which is also the case with Group 7, the food and liquor trades, and the miscellaneous group.

II. Unemployment.

Table Ic in the Appendix shows that of 272,538 members of labor organizations reporting, 8,340 or 3.1 per cent were idle during the entire quarter, while 18,617 out of 268,573, or 6.9 per cent, were idle at the end of the quarter. In comparison with previous years these figures appear quite favorable, thus:

TABLE 4.

NUMBER AND PERCENTAGE OF MEMBERS OF LABOR UNIONS IDLE—

YEAR.	AT THE END OF SEPTEMBER.		DURING THIRD QUARTER.	
	Number.	Percentage.	Number.	Percentage.
1897.....	23,330	13.3	10,983	6.5
1898.....	22,485	10.3	9,784	5.7
1899.....	9,590	4.7	4,790	2.8
1900.....	81,460	18.8	12,926	5.4
1901.....	18,617	6.9	8,340	3.1

The amount as well as the proportion of idleness in the third quarter of the present year was smaller than in the corresponding quarter of any recent year except 1899, when the prosperity of the clothing and some other trades was phenomenal. With the exception of the clothing trades, which although unusually prosperous this season nevertheless fail to reach the record of 1899, and the theatrical and musical trades, in which there is an unusually large amount of idleness, the conditions of employment in the present quarter may fairly be said to equal those of the same months in 1899. The comparison with 1899, as well as 1900, may be made by means of—

TABLE 5.

IDLENESS OF MEMBERS OF LABOR ORGANIZATIONS—

	AT THE END OF SEPTEMBER.				DURING THIRD QUARTER.			
	Number.	Percentage.			Number.	Percentage.		
GROUPS OF TRADES.	1901.	1901.	1900.	1899.	1901.	1901.	1900.	1899.
1. Building, stone working, etc.....	6,158	7.2	14.9	4.1	1,453	1.7	6.2	1.6
2. Clothing and textiles.....	4,074	9.7	29.2	0.8	2,389	5.7	10.6	0.3
3. Metals, machinery, etc.....	1,598	4.6	6.2	3.2	513	1.4	1.8	0.9
4. Transportation.....	1,584	4.8	8.5	2.9	507	1.5	1.0	0.9
5. Printing, binding, etc.....	1,343	6.9	11.1	8.6	1,020	5.7	7.4	5.0
6. Tobacco.....	465	4.6	17.4	2.6	340	2.4	15.1	1.5
7. Food and liquors.....	712	7.6	14.6	8.7	502	5.5	8.8	4.3
8. Theaters and music.....	1,724	23.9	8.4	6.8	1,336	12.5	0.6	5.9
9. Wood working and furniture.....	564	7.0	7.2	6.0	189	2.3	0.9	3.9
10. Restaurant and retail trade.....	209	3.1	8.4	9.1	95	1.4	1.7	0.6
11. Public employment.....	68	0.8	2.0	0.1	39	0.5	0.4	0.0
12. Miscellaneous.....	218	3.5	4.2	8.4	58	0.9	3.0	5.2
Total.....	18,617	6.9	13.3	4.7	8,340	3.1	5.4	2.3
New York City.....	12,768	7.5	16.7	5.5	6,610	3.8	7.3	2.9
Remainder of State.....	5,849	5.9	7.5	3.3	1,730	1.8	2.1	1.3

With respect to continuous idleness throughout the quarter the table shows that only in transportation, theaters and music and wood working and furniture were conditions in 1901 less favorable than in 1900; in all the other industries or groups of trades, the third quarter of 1901 makes a better showing than that of one year ago. On the other hand only Groups 9 and 12 had distinctly less idleness in 1901 than in 1899, although in most of the other groups the difference in favor of 1899 is small.

As concerns idleness at the end of September, 1901 has smaller percentages than 1900 in every group excepting theaters and music, and smaller than 1899 in the typographical trades, food and liquor trades, restaurant and retail trade and miscellaneous trades.

The causes of idleness at the end of the quarter in 1900 and 1901 are compared in—

TABLE 6.
CAUSES OF IDLENESS AT THE END OF SEPTEMBER.

CAUSE.	NEW YORK CITY.		INTERIOR TOWNS.		NEW YORK STATE.			
	1901.	1900.	1901.	1900.	Number.		Percentage.	
Lack of work.....	8,007	18,583	3,253	4,760	11,259	23,643	60.5	75.1
Weather.....	135	84	283	132	418	166	2.2	0.5
Strike or lockout.....	1,878	3,574	1,095	506	2,973	4,080	16.0	13.0
Lack of material.....	1,093	.....	256	.....	1,349	.....	7.2	.....
Sickness.....	1,009	1,079	467	402	1,476	1,481	7.9	4.7
Old age.....	321	458	54	43	875	501	2.0	1.6
Other specified causes.....	253	804	429	664	682	1,468	3.7	4.7
Unknown causes.....	72	80	13	91	85	121	0.5	0.4
Total idle.....	12,768	21,862	5,849	6,598	18,617	31,460	100.0	100.0

In both cases, lack of employment is the principal cause of the idleness, constituting 60.5 per cent in 1901 and 75.1 per cent in 1900. And in both years trade disputes constitute the second most potent cause of idleness. "Lack of material" explains 7.2 per cent of the idleness at the end of September, 1901; but that factor was not tabulated separately in 1900, most of it doubtless going under the head of "lack of work."

Table I in the Appendix shows the causes of idleness in each group of trades; a summary is given below:

TABLE 7.
CAUSES OF IDLENESS AT THE END OF SEPTEMBER, 1901.

GROUPS OF TRADES.	NUMBER OF MEMBERS OF LABOR ORGANIZATIONS IDLE BECAUSE OF—								Total number idle.
	Lack of work.	Weather.	Strike or lockout.	Lack of material.	Sickness.	Old age.	Other specified causes.	Unknown causes.	
I. Building, stone working, etc....	3,699	294	369	1,118	324	30	314	10	6,158
II. Clothing and textiles.....	1,508	.....	2,021	75	267	83	70	51	4,074
III. Metals, machinery, etc.....	987	6	298	109	89	21	71	17	1,598
IV. Transportation ...	1,074	.....	146	.....	234	19	111	.....	1,584
V. Printing, binding, etc.....	868	.....	8	.....	197	123	47	.....	1,313
VI. Tobacco.....	176	30	27	47	126	54	5	.....	465
VII. Food and liquors.....	608	.....	26	.....	43	14	24	2	712
VIII. Theater and music.....	1,712	.....	9	.....	.....	3	.....	.....	1,724
IX. Wood working and furniture....	369	.....	65	.....	94	27	8	1	564
X. Restaurant and retail trade....	191	.....	.....	.....	11	.....	7	.....	209
XI. Public employment.....	.....	.....	.....	.....	63	2	3	.....	68
XII. Miscellaneous	72	88	4	.....	38	.....	22	4	216
Total.....	11,259	418	2,973	1,349	1,476	375	682	85	18,617

Lack of employment figures conspicuously among the causes of idleness in every occupation except public employment; while sickness (including accidents) and old age affect the workers of every employment. Only two groups, public employment and restaurant and retail trade, were free of strikes and lockouts. Unfavorable weather affected only Groups I (the building trades), III (shipbuilding, 5 members, and 1 member of a horseshoers' union in Auburn who complained that it was "too hot" for work), VI (tobacco trades in New York) and XII (miscellaneous, mostly glass workers). "Lack of material" affected Groups I, II, III and VI.

III. Number of Days Worked.

As we have just seen, the number of trade unionists idle in the third quarter of the present year was smaller than it has been in the months of July, August and September of any recent year excepting 1899. Similarly favorable conditions are shown by the following figures expressing the average number of days worked in each quarter:

TABLE 8.

AVERAGE NUMBER OF DAYS WORKED BY TRADE UNIONISTS WHO HAD EMPLOYMENT IN THE THIRD QUARTER OF EACH YEAR.

Year.	Men.	Women.
1897.....	67	66
1898.....	65	64
1899.....	71	71
1900.....	67	65
1901.....	70	66

The high average in 1901 is partly due to the extensive employment of workmen for seven days a week, giving them more than 90 days for the thirteen weeks in the quarter. As shown below, the number employed full time (77 days) during this quarter is not quite so large proportionately as it was in the corresponding period of 1899.

TABLE 9.

NUMBER OF DAYS WORKED IN THIRD QUARTER, 1901.

GRADES.	NUMBER.			PERCENTAGE OF TOTAL.			PERCENTAGE IN THIRD QUARTER OF—	
	Men.	Women.	Total.	Men.	Women.	Total.	1900.	1899.
1-9 days.....	443	1	444	0.2	0.0	0.2	0.2	0.2
10-19 days.....	835	76	911	0.4	0.6	0.3	1.4	0.4
20-29 days.....	1,883	65	1,898	0.7	0.5	0.7	1.9	1.0
30-39 days.....	11,779	929	12,708	4.8	6.8	4.9	6.3	2.2
40-49 days.....	6,966	1,290	8,186	2.8	9.0	3.2	7.4	1.7
50-59 days.....	23,614	600	24,214	9.6	4.4	9.4	9.1	5.7
60-69 days.....	34,301	3,707	38,008	14.0	27.3	14.7	16.0	18.2
70-79 days.....	133,430	6,976	140,406	54.4	51.3	54.2	47.4	60.9
80-89 days.....	4,055	.....	4,055	1.7	0.0	1.6	1.5	1.8
90+ days.....	27,964	13	27,977	11.4	0.1	10.8	8.8	7.9
Total.....	245,220	13,587	258,807	100.0	100.0	100.0	100.0	100.0

Table II in the Appendix shows the number of days worked by industries and groups of trades. For the sake of comparison with previous years those figures are hereunder summarized:

TABLE 10.

AVERAGE NUMBER OF DAYS EMPLOYED (MEN ONLY) IN THE THIRD QUARTER OF 1901 AND 1900.

	Number employed. 1901.	AVERAGE NUMBER OF DAYS WORKED.			
		New York State.			Interior towns. 1901.
		1901.	1900.	1899.	
I. Building, stone working, etc....	33,321	67	60	70	66
II. Clothing and textiles.....	29,940	56	54	68	54
III. Metals, machinery, etc.....	34,069	75	74	76	75
IV. Transportation.....	32,660	88	76	76	75
V. Printing, binding, etc.....	16,067	69	69	68	61
VI. Tobacco.....	7,532	71	71	73	68
VII. Food and liquors.....	8,623	77	67	75	75
VIII. Theaters and music.....	5,490	72	65	60	74
IX. Wood working and furniture...	7,327	70	71	71	69
X. Restaurant and retail trade...	5,930	79	77	72	75
XI. Public employment.....	8,060	84	86	89	83
XII. Miscellaneous.....	5,681	74	69	67	73
Total—Men.....	245,220	70	67	71	67
Total—Women.....	13,587	66	65	71	63

With only two exceptions (wood working, public employment), all the groups exhibit a higher average number of days worked in the third quarter of 1901 than in 1900; but with respect to 1899 the superiority is not so marked, as one-half the groups have the higher average in 1899 and one-half in 1901. The most noticeable difference is in the clothing and textile trades, the members of which averaged 68 days of employment in July, August and September, 1899, as compared with 56 days in those months of 1901. On the other hand, the members of organizations in the transport trades averaged 83 days in the present quarter and only 76 in 1899; in theatrical and musical trades 72 days this year and 60 in 1899; restaurant and retail trade, 79 and 72 respectively, etc.

The smaller cities and towns, as usual, furnished more days of work, per member, than the metropolis.

The women's average this quarter lags way behind the men's. The explanation of the difference is the fact that female trade unionists are found mainly in the clothing and tobacco trades, in both of which no Sunday work is reported. And there is considerable short time in these trades, even for the men. In 1899, the only other year in which the women had a higher average of days worked (71) the clothing trades were phenomenally busy.

IV. Quarterly Earnings.

From the fact that employment was so good in the present quarter, it is natural to look for unusually large earnings. The following table shows that, as compared with last year, a much larger percentage of men earned over \$175 in the third quarter of 1901, the proportion that earned less than that amount being correspondingly smaller than in 1900, thus:

TABLE 11.

MEMBERS OF LABOR ORGANIZATIONS GRADED ACCORDING TO THE AMOUNT OF QUARTERLY EARNINGS—THIRD QUARTER, 1901—PERCENTAGES.

DOLLARS.	MEN.				WOMEN.			
	New York	Interior	The State.		New York	Interior	The State.	
	City.	towns.	1901.	1900.	City.	towns.	1901.	1900.
1-24	0.0+	0.8	0.2	0.2	0.4	1.4	0.7	1.2
25-49	0.3	0.6	0.4	2.2	2.4	15.5	6.4	16.1
50-74	1.8	1.5	1.7	1.6	20.0	23.6	21.0	23.3
75-99	3.9	4.0	3.9	7.1	32.3	28.7	31.3	16.0
100-124	6.6	12.3	8.7	9.5	22.5	20.8	22.0	18.4
125-149	6.9	15.3	10.0	12.7	11.7	6.6	10.2	10.3
150-174	12.2	22.5	16.1	17.1	2.2	1.7	2.1	7.6
175-199	15.4	18.1	16.4	15.7	5.6	0.6	4.1	2.6
200-224	11.6	8.3	10.4	8.6	0.1	0.0+	0.1	0.1
225-249	14.1	6.6	11.3	9.2	0.0+	0.1	0.1	0.0+
250-274	10.5	3.9	8.1	5.9	0.0+	0.0	0.0+	0.0+
275-299	7.9	2.3	5.8	4.4	0.0	0.0	0.0	0.0+
300+	8.8	3.8	7.0	5.8	2.8	0.0+	2.0	4.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

But when the comparison is carried back to the record quarter in 1899, it is much less favorable, thus:

TABLE 12.

DISTRIBUTION OF EACH 100 MALE MEMBERS OF LABOR UNIONS ACCORDING TO AMOUNT EARNED IN THE THIRD QUARTER OF—

GRADES.	1899.	1900.	1901.
Less than \$75	2.5	4.5	2.3
\$75-\$149	23.1	34.0	22.6
\$150-\$225	41.9	47.1	42.9
Over \$225	33.5	14.4	32.2
	100.0	100.0	100.0

In 1899 the percentage of men whose quarterly earnings were less than \$150 was 24.6; in 1901 it was 24.9. And in the latter year only 32.2 per cent of the men employed made over \$225, while in 1899 the proportion was 33.5. In other words, the male trade unionists averaged 71 days' work and \$197 earnings in the third quarter of 1899; 67 days' work and \$182 earnings in 1900; and 70 days' work and \$194 earnings in 1901. The direct dependence of earnings upon the amount of employment is clearly set forth in these figures.

It is interesting to note that the small difference between 1899 and 1901 is virtually confined to the building trades, thus:

TABLE 13.

THIRD QUARTER.	BUILDING TRADES (GROUP I.)		ALL OTHER TRADES (GROUP II-XII).	
	Days.	Earnings.	Days.	Earnings.
1899.....	70	\$219 85	72	\$184 74
1901.....	67	213 96	72	183 39

The difference may be further restricted to New York City, since Table 10 shows that the average days of employment in the building trades were 71 in the interior towns and only 66 in New York City.

TABLE 14.

AVERAGE EARNINGS OF UNIONISTS DURING THIRD QUARTER, 1900 AND 1901.

TRADES. Men.	1900.		1901.		Increase (+) or decrease (-) in earnings.
	Number employed.	Average earnings.	Number employed.	Average earnings.	
I. Building, Stone Working, Etc.:					
Stone working.....	4,589	\$244 92	6,219	\$222 39	\$22 53—
Cement making.....	746	93 02	518	103 57	10 55+
Building and paving trades..	57,987	188 12	61,645	237 24	39 12+
Building and street labor....	11,546	120 48	14,944	159 46	1 02—
II. Clothing and Textiles:					
Garments.....	13,623	111 93	23,716	130 78	18 85+
Hats, caps and furs.....	1,488	159 09	1,741	196 84	37 75+
Boots, shoes, gloves, etc.....	1,925	128 84	1,998	147 25	18 41+
Shirts, collars, cuffs and laundry.....	1,087	143 59	1,492	124 46	19 13—
Textiles.....	1,498	107 22	993	124 49	17 27+
III. Metals, Machinery and Ship- building:					
Iron and steel.....	19,367	178 99	20,848	186 66	7 67+
Metals other than iron and steel.....	2,453	185 11	2,207	208 73	18 62+
Engineers and firemen.....	6,998	228 70	9,278	226 88	2 32—
Shipbuilding.....	1,526	223 50	1,766	212 33	11 17—
IV. Transportation:					
Railroads.....	12,660	215 12	16,904	207 28	7 84—
Street railways.....	3,493	119 01	3,968	153 95	34 94+
Coach drivers, etc.....	1,309	140 77	1,166	147 89	7 12+
Seamen, pilots, etc.....	1,940	156 20	3,260	140 18	16 02—
Freight handlers, truckmen, etc.....	9,208	153 86	7,372	142 08	11 83—
V. Printing, Binding, etc.....	14,924	224 90	16,067	226 70	1 80+
VI. Tobacco.....	7,488	133 14	7,532	137 51	4 37+
VII. Food and Liquors:					
Food preparation.....	4,629	125 84	4,250	172 28	46 44+
Malt liquors and mineral waters.....	3,895	189 62	4,373	200 23	10 61+
VIII. Theaters and Music.....	5,595	320 12	5,480	337 14	17 02+
IX. Wood Working and Furniture	8,276	179 74	7,827	196 97	7 23+
X. Restaurant and Retail Trade..	4,476	143 86	5,920	160 01	16 15+
XI. Public Employment.....	7,053	201 60	8,160	211 84	10 24+
XII. Miscellaneous:					
Glass.....	856	133 11	546	157 82	24 71+
Barbering.....	1,340	134 43	1,725	142 60	8 18+
Other distinct trades.....	1,039	152 15	1,485	153 48	33+
Mixed employment.....	1,237	109 92	1,525	106 25	3 67—

TABLE 14—(Concluded).

AVERAGE EARNINGS OF UNIONISTS DURING THIRD QUARTER, 1900 AND 1901.

TRADES.	1900.		1901.		Increase (+) or decrease (—) in earnings.
	Number employed.	Average earnings.	Number employed.	Average earnings.	
Women.					
II. Clothing and Textiles:					
Garments.....	3,568	63 50	8,094	100 39	36 89+
Hats, caps and furs.....	75	50 00	195	95 92	45 92+
Boots, shoes, gloves, etc.....	157	62 53	442	77 12	14 59+
Shirts, collars, cuffs and laun- dry	276	88 65	113	56 54	32 11—
Textiles	749	92 40	611	95 84	3 44+
IV. Transportation:					
Railroads.....	6	120 00	3	120 00	.....
V. Printing, Binding, Etc.....	708	91 05	859	95 06	4 01+
VI. Tobacco	2,919	121 58	2,397	119 76	1 82—
VIII. Theaters and Music.	450	468 17	334	431 83	36 34—
IX. Wood Working and Furniture .....	.....	.....	22	42 16	.....
X. Restaurant and Retail Trade..	386	90 07	497	85 81	4 26—
XI. Public Employment.....	2	162 50	10	141 25	21 25—

Table 14 contains comparisons between the average earnings in the principal trades for the third quarter of 1900 and 1901. Relatively few decreases appear, and these are mainly found in smaller branches of trade. The larger organizations in building, clothing, iron and steel, etc., enjoyed larger earnings as a result of the more constant employment already noted in Table 10.

STATISTICS OF BUILDING OPERATIONS.

I. New York City.

Contrasted with the corresponding time of last year there was, during the third quarter of 1901, a decrease of 242 in the number of permits issued for new buildings, yet the estimated cost of the enterprises exceeded, to the extent of \$2,821,017, the figures for the similar three months of 1900.

Between the first of July and the end of September last the statistics show that, compared with the preceding year, there was a falling off of 231 and 321, respectively, in the number of new buildings commenced and completed. This apparent decline in operations was occasioned by the fact that a major portion of the buildings under construction in the quarter which closed with September, 1901, were more massive and costlier than were those that were built in the third quarter of 1900.

COMPARATIVE STATEMENT OF THE NUMBER OF NEW AND REMODELED BUILDINGS FOR WHICH PLANS WERE APPROVED, THEIR ESTIMATED COST, AND THE NUMBER COMMENCED AND COMPLETED, DURING JULY, AUGUST AND SEPTEMBER, 1900 AND 1901.

MONTHS.	NUMBER OF BUILDINGS.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS.			
	1900.	1901.	1900.	1901.	COMMENCED.		COMPLETED.	
					1900.	1901.	1900.	1901.
<i>I. New Buildings:</i>								
July	460	458	\$6,145,243	\$6,192,811	515	474	601	435
August	566	421	5,548,469	8,266,940	529	444	499	444
September	542	447	5,206,192	5,281,170	608	503	507	417
Total	1,568	1,326	\$16,899,904	\$19,720,921	1,652	1,421	1,607	1,286
<i>II. Alterations:</i>								
July	474	509	\$1,545,611	\$1,071,633	585	550	519	442
August	471	534	710,942	1,084,904	506	526	474	875
September	457	412	463,596	509,102	463	479	484	451
Total	1,402	1,455	\$2,720,149	\$2,675,639	1,554	1,555	1,477	1,286
<i>III. Total of New Buildings and Alterations:</i>								
July	934	967	\$7,690,854	\$7,264,444	1,100	1,024	1,120	887
August	1,037	955	6,259,411	9,361,844	1,035	970	973	819
September	999	859	5,669,788	5,770,272	1,071	982	991	868
Total	2,970	2,781	\$19,620,053	\$22,396,560	3,206	2,976	3,084	2,554

This year there were fifty-three more permits taken out for alterations than there were in July, August and September, 1900, but the expense of remodeling old buildings in the above three months of 1901 fell \$44,510 below the amount expended in the like period of last year. Both years are credited with an equal number of buildings commenced, but the number completed in the three months considered in 1900 was 209 in excess of that recorded in 1901.

II. Buffalo, Rochester and Syracuse.

Buffalo.—The building statistics of Buffalo for the second quarter of 1901 indicated a depression that began in May. The following statistics for the third quarter, furnished through the courtesy of Frank T. Reynolds, Superintendent of Buildings, show that the slack times were only temporary. Improvement began in July and continued through the quarter; the record of September, 1901, far exceeded that of September, 1900, and almost reached the figures of 1899, thus:

BUFFALO—JULY, AUGUST AND SEPTEMBER.

	NUMBER OF PERMITS.			ESTIMATED COST.		
	1899.	1900.	1901.	1899.	1900.	1901.
<i>New buildings:</i>						
July.....	78	44	42	\$294,347	\$70,250	\$147,022
August.....	71	51	25	358,026	91,279	288,808
September.....	50	34	37	187,154	181,357	310,426
Total.....	199	129	104	\$839,529	\$292,886	\$696,250
<i>Alterations:</i>						
July.....	58	29	20	\$67,962	\$100,135	\$12,532
August.....	56	55	19	39,272	32,220	25,804
September.....	31	29	28	164,903	60,600	29,553
Total.....	145	113	67	\$272,137	\$192,955	\$68,189
<i>New and remodeled buildings:</i>						
July.....	136	73	62	\$362,309	\$170,385	\$159,554
August.....	127	106	44	397,300	123,499	264,607
September.....	81	63	65	352,057	191,957	340,278
Total.....	344	242	171	\$1,111,666	\$485,841	\$764,439

Rochester.—The third quarter of 1901 must be characterized as one of unusual activity in the building industry of Rochester, if all the operations were begun for which the city issued permits. According to the statistics furnished by Fire Marshal John A. P. Walter the estimated cost of buildings for which permits were granted in July, August and September of this year amounted to \$778,381, as compared with \$575,498 in the corresponding period of 1900 and \$423,405 in 1899.

ROCHESTER—QUARTER ENDED SEPTEMBER 30.

	NUMBER OF PERMITS.			ESTIMATED COST.		
	1899.	1900.	1901.	1899.	1900.	1901.
New buildings.....	115	152	119	\$387,673	\$511,543	\$725,381
Buildings remodeled.....	39	60	47	35,730	63,955	53,000
Total.....	154	192	166	\$423,403	\$575,498	\$778,381

Syracuse.—An unusual amount of building activity in Syracuse was indicated by the statistics of permits granted in the second quarter of 1901, and this activity continued through the third quarter, as appears from the following figures furnished by Fire Marshal Erasmus Pellenz. The estimated cost of the new buildings for which permits were granted far exceeds that of the same months in any recent year, thus:

SYRACUSE—JULY, AUGUST AND SEPTEMBER.

	NUMBER OF PERMITS.			ESTIMATED COST.		
	New buildings.	Additions and alterations.	Total.	New buildings.	Additions and alterations.	Total.
July	35	35	70	\$120,875	\$14,047	\$134,922
August.....	26	37	63	82,740	18,351	101,091
September.....	30	29	59	167,975	15,885	183,860
Total—July to September, 1901.....	91	101	192	\$371,590	\$48,283	\$419,873
1900.....	71	118	189	215,290	60,510	275,800
1899.	86	83	169	239,752	46,068	285,810
1898.....	180	78	208	277,995	34,837	312,832

IMMIGRATION AT THE PORT OF NEW YORK.

As compared with the corresponding months of last year the volume of immigration during July, August and September, 1901, remained almost stationary, the difference in favor of this year being only 99. The totals for the two periods were, respectively, 83,166 and 83,265.

In point of numbers the Southern Italians continued to lead the other races, 17,803 of the former—more than one-fifth of the aggregate arrivals—having landed in the third quarter of the present year. The Hebrew race figured second, with a total of 12,723, or 15.3 per cent of the whole; the Polish contingent was third, numbering 7,802, or 9.4 per cent; while fourth on the list were the Germans, who numbered 7,700, or 9.2 per cent.

Of the races whose immigration ranged above 1,500 the Croatians and Slovenians showed the largest proportion of increase over the third quarter of 1900—1,873 in number and 135.5 per cent; while the number and percentage of gains made by other elements were:

RACE.	INCREASE.	
	Number.	Per cent.
Magyar.....	711	43.4
Polish.....	2,209	41.0
Lithuanian.....	477	34.2
Slovak.....	1,150	29.6
Northern Italian.....	402	12.9
German.....	651	8.5
Scandinavian.....	89	1.5

The greatest proportion of decrease was experienced by the Hebrew race, whose number fell off 7,238, or 36.3 per cent, and the English, Irish and Southern Italian immigration declined, respectively, 16.1, 6.1 and 2.9 per cent.

This year the proportion of male immigrants who came here within the quarterly period included in the compilation was 61.7 per cent, as against 58 per cent in 1900; and the percentages of female arrivals were 38.3 and 42 respectively. The most noticeable disparity in the proportion of sexes in the statistical record for the quarter which ended with last September was among the Croatians and Slovenians, of whom 81.4 per cent

were males and 18.6 per cent were females. The smallest disproportion is credited to the Scandinavians and Hebrews—for the former, 51.3 per cent males and 48.7 per cent females; for the latter, 51.3 per cent females and 48.7 per cent males. The females also predominated in the Irish immigration, their percentage being 60.4, to 39.6 per cent for the males.

Regarding the ages of the people who debarked from July 1 to September 30, 1901, 77.4 per cent of them were from 14 to 45 years, 6 per cent were 45 years and over, and 16.6 per cent were children under 14 years.

In gathering the data relating to immigration the Government officials carefully note the number of newcomers of 14 years of age and over who can neither read nor write the languages of the countries from which they come, and also those who can read but cannot write. Within the quarter-year that ended with last September there were 69,497 arrivals whose ages were 14 years and over, and it is an astonishing fact that of that number 18,725, or 26.9 per cent, were absolutely illiterate, for they could neither read nor write. There were also 383 (.6 per cent) who were able to read, but they could not write. The worst degree of illiteracy was found among the Portuguese, of whom 82.2 per cent could neither read nor write their language, while only 1 per cent of the immigrants who came from the Scandinavian countries (Denmark, Norway and Sweden) were discovered to be illiterate. The percentage of illiteracy among the English-speaking immigrants was likewise very small—the English having 1.2, the Scotch 1.2, and the Irish 2.2. A limited amount of illiteracy was also accorded to the Bohemian and Moravian, Finnish, French, and German races, the respective percentages being 2.2, 2.6, 2.9 and 3.1. Though nearly three-fifths of the Southern Italians (the exact proportion being 55.3 per cent) were pronounced illiterate, but 11.9 per cent of the Northern Italians were placed in that class. This wide difference in the mental qualifications of these people from the same country can be readily explained. Outside of Rome there are scarcely any free schools in Italy. Text books and all kinds of school supplies are heavily taxed to meet the cost of maintaining a large standing army. The people of the South—particularly those of Sicily and the Neapolitan district—are almost

constantly in an impoverished state, and the great majority of them consequently find it impossible to provide their children with even a rudimentary education. On the other hand, the chief centers of industry are in the North, the inhabitants of which are skilled in the mechanical arts; they are thriftier and their economic condition is superior to that of their countrymen in the nether section. The most of the Northerners, therefore, possess enough means to have their offspring taught the primary branches of learning. Hence their comparatively small percentage of illiteracy.

Subjoined is a statement of the numbers and percentages of illiterates, 14 years of age and over among those races whose immigration was above 300:

RACE.	Immigrants 14 years of age and over.	COULD NEITHER READ NOR WRITE.	
		Number.	Per cent.
Armenian	314	55	17.5
Bohemian and Moravian.....	814	18	2.2
Croatian and Slovenian.....	3,023	939	31.0
Dutch and Flemish.....	489	39	8.0
English	1,367	17	1.2
Finnish	976	25	2.6
French	749	22	2.9
German	6,477	201	3.1
Greek	543	116	21.4
Hebrew	8,652	2,714	31.4
Irish	4,161	93	2.2
Italian (North).....	3,125	371	11.9
Italian (South)	14,722	8,136	55.3
Lithuanian.....	1,591	712	44.8
Magyar	2,071	209	10.1
Polish.....	6,712	2,140	31.9
Portuguese.....	741	609	82.2
Ruthenian (Rusniak).....	1,015	293	28.9
Scandinavian	5,525	58	1.0
Scotch	327	4	1.2
Slovak	4,379	1,181	26.9
Syrian	812	505	62.2

While the proportion of immigrants who gave New York State as their destination in the July-September quarter of 1901 was lower than for that period a year ago, it was nevertheless higher than it was in the second quarter of the current year. The allotment to Pennsylvania was greater this year in the quarter that closed with September than it was in the previous year, though the percentage was a trifle below that of the second quarter of 1901. In the other large States of this division the changes were slight. The proportions for the several quarters under consideration were:

	THIRD QUARTER.		SECOND QUARTER.	
	1900.	1901.	1901	
	Per cent	Per cent.	Per cent.	
New York	46.0	39.7	37.9	
Pennsylvania	16.2	20.6	21.3	
Massachusetts	6.6	5.6	7.3	
New Jersey	5.1	5.8	6.1	
Connecticut	2.7	3.0	3.9	
IN OTHER DIVISIONS.—				
California	1.6	1.7	1.6	
Colorado	0.6	0.7	0.7	
Illinois	5.3	6.1	6.4	
Michigan	1.8	2.0	2.0	
Minnesota	1.4	1.4	1.6	
Missouri	0.5	0.7	0.5	
Ohio	2.6	3.8	2.9	
Texas	0.3	0.3	0.2	
Wisconsin	1.2	1.2	1.4	

TABLE SHOWING THE AVOWED DESTINATION OF IMMIGRANTS WHO LANDED AT THE PORT OF NEW YORK DURING THE QUARTER ENDED SEPTEMBER 30, 1901.

Alabama	64	Montana	237
Alaska	17	Nebraska	245
Arizona	45	Nevada	48
Arkansas	38	New Hampshire	91
California	1,432	New Jersey	4,859
Colorado	630	New Mexico	14
Connecticut	2,519	New York	33,038
Delaware	114	North Carolina	15
District of Columbia	62	North Dakota	273
Florida	75	Ohio	3,138
Georgia	65	Oklahoma	12
Hawaii	14	Oregon	117
Idaho	18	Pennsylvania	17,152
Illinois	5,039	Rhode Island	847
Indiana	487	South Carolina	12
Indian Territory	53	South Dakota	382
Iowa	611	Tennessee	85
Kansas	258	Texas	376
Kentucky	61	Utah	166
Louisiana	181	Vermont	110
Maine	109	Virginia	60
Maryland	262	Washington	300
Massachusetts	4,634	West Virginia	298
Michigan	1,700	Wisconsin	1,022
Minnesota	1,155	Wyoming	120
Mississippi	9		
Missouri	603	Total	82,285

COMPARATIVE STATEMENT, BY RACES, SEXES AND AGES, OF THE VOLUME OF IMMIGRATION AT THE PORT OF NEW YORK FOR THE QUARTERS ENDED SEPTEMBER 30, 1900 AND 1901, WITH THE NUMBER OF ILLITERATES REPORTED FOR THE THIRD QUARTER OF 1901.

QUARTER ENDED SEPTEMBER 30, 1900.						QUARTER ENDED SEPTEMBER 30, 1901.								
RACE OR PEOPLE.	SEX.		Total.	AGES.		SEX.		Total.	AGES.		ILLITERATES— 14 YEARS OLD AND OVER.			
	Male.	Female.		Under 14 years.	14 to 45.	45 and over.	Male.		Female.	Under 14 years.	14 to 45.	45 and over.	Can read but cannot read nor write.	Can neither read nor write.
African (black).....	2	161	519	.....	2	5	299	2	327	1	5	1	.....	2
Armenian, etc.....	356	430	850	75	431	68	460	7	827	85	729	15	.....	2
Bosnian, etc.....	480	17	80	173	491	73	527	1,017	208	787	18	.....	3	18
Bulgarian, etc.....	68	17	90	15	605	4	26	1,017	1,176	10	123	4	.....	75
Croatian, etc.....	1,086	256	1,882	120	61	51	604	3,261	232	2,404	119	11	.....	983
Dalmatian, etc.....	138	27	195	18	1,211	1,388	28	216	165	11	195	12	.....	73
Dutch, etc.....	514	233	647	144	549	64	399	665	166	441	48	.....	3	38
East Indian.....	1	.....	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....
English.....	1,193	695	1,884	261	1,426	195	1,017	1,580	213	1,266	161	12	.....	17
French.....	521	605	1,126	166	861	618	624	1,114	138	980	46	.....	1	22
German.....	1,133	1,123	2,256	125	2,031	1,125	1,017	2,050	259	1,791	11	.....	1	20
Greek.....	7,049	8,388	15,437	1,172	1,288	589	4,464	7,990	1,222	6,768	615	12	.....	207
Hebrew.....	754	88	763	62	662	18	560	87	1,059	55	524	.....	3	116
Hungarian.....	10,690	9,271	19,961	4,831	13,772	1,358	6,201	12,773	4,071	7,875	77	.....	8	2,174
Irish.....	1,733	2,995	4,617	241	4,203	293	1,730	6,583	3,87	2,715	19	.....	3	93
Italian (North).....	2,306	914	3,119	371	2,594	134	2,603	3,251	204	3,071	190	19	.....	57
Italian (South).....	13,519	5,523	18,312	8,457	13,273	1,612	12,764	17,963	8,031	13,156	1,566	36	.....	8,136
Japanese.....	8	.....	8	.....	8	.....	6	.....	.....	.....	.....	.....	.....	.....
Lithuanian.....	637	557	1,394	196	1,119	29	1,140	731	1,571	290	1,354	70	.....	72
Magyar.....	596	971	1,567	277	1,356	897	2,914	2,548	277	1,968	53	.....	4	208
Polish.....	3,466	2,577	6,087	879	4,450	284	4,683	7,032	1,090	6,485	247	117	.....	2,160
Portuguese.....	5,383	5,122	10,505	1,172	9,380	396	8,984	1,268	317	7,948	115	.....	.....	692
Rumanian.....	28	28	56	35	40	8	514	444	.....	.....	248	.....	.....	19
Russian.....	57	28	85	31	555	12	49	13	5	.....	.....	.....	.....	54
Ruthenian.....	400	257	637	49	565	23	761	387	1,093	83	979	9	.....	292
Serbo-Croatian.....	2,670	3,348	6,018	533	5,073	413	3,135	6,107	592	5,132	373	10	.....	58
Slovak.....	98	289	387	33	301	36	253	108	390	47	280	.....	.....	1
Slovenian.....	2,403	1,416	3,881	550	3,167	144	3,304	1,727	5,031	632	4,350	20	.....	1,191
Spanish.....	73	32	107	18	61	8	68	9	77	74	73	3	.....	4
Turkish.....	451	261	692	159	542	31	647	363	1,010	186	793	29	.....	505
Ukrainian.....	21	21	42	21	21	.....	107	140	4	.....	.....	1	.....	3
West Indian.....	83	6	128	29	.....	9	.....	83	190	40	130	20	.....	8
Arabian.....	11	.....	17	.....	.....	.....	16	.....	16	.....	.....	.....	.....	5
Total.....	46,252	54,914	88,166	14,149	65,366	5,651	51,408	81,857	89,346	13,758	64,412	5,065	283	16,725

FREE EMPLOYMENT BUREAU.

Report of Superintendent for Quarter Ending September 30, 1901.

The quarter ending September 30th practically brings the out-of-town orders to a close for the present year. During the summer quarter, including the months of July, August and September, the work shows a marked improvement all along the line contrasted with the corresponding quarter of 1900.

During the quarter there were 1,520 applicants for work, an increase of 321 over 1900; 1,027 applicants for help, being 204 more than in 1900; 890 situations secured, an increase of 154 over 1900. During the same period there were 135 applications for help which the bureau was unable to fill, the greater number of which were for general houseworkers. At no time during the existence of the bureau did we have enough such girls to fill all orders.

The banner week of the quarter with reference to the number of situations secured was the last week of August, during which time we were able to place ninety-five persons.

It will be seen that during the quarter 890 people were enabled to find employment and thus fill their natural place in society as producers and consumers, while at the same time a large number of employers were supplied with competent and trustworthy help. Experience has shown that many people are out of employment not because there is no employment to be had but because the unemployed do not know where they can get employment. On the other hand, employers are at a disadvantage, not knowing where to find employees. The free employment bureau does away with such disadvantages and brings the employer and employee together to the mutual advantage of each. Time and time again have we heard employers say, "Why, I never knew of this place until a friend of mine told me." And again, "Is it possible that you investigate references, that you know something of the character and ability of the people here?" And when told that such is the case they realize the value and utility of the work performed by the bureau.

The change of the bureau's location from No. 30 West Twenty-ninth street to No. 107 East Thirty-first street will show good results. The bureau is now more centrally located, and the neighborhood is more desirable in every way.

In reviewing the work for the quarter we are able to say that but few complaints came from either employers or employees. The general satisfaction the work has given is evident from the reports of our patrons.

The following table shows the work of the bureau for the quarter ending September 30, 1901:

	Applicants for work.	Applicants for help.	Situations secured.
Quarter ending September 30.....	1,520	1,027	890

JOHN J. BEALIN,
Superintendent.

INDUSTRIAL DISPUTES IN NEW YORK.

Switchmen's Strike on N. Y., N. H. & H. R. R.

On November 19th all the yardmen employed at switching work in the New York City yards of the New York, New Haven and Hartford Railroad Company, to the number of about 300, went on strike, the result being a nearly complete tie-up of freight traffic in New York and a sympathetic strike of yardmen in New Haven. A majority of the strikers were members of the Brotherhood of Railroad Trainmen, a smaller number belonging to the Switchmen's Union and a considerable number were non-union men. The strike was entirely local in origin without authorization from either of the above mentioned national organizations, and was conducted for the men by a local committee representing both unionists and non-unionists.

The demands of the strikers, presented to the company after the strike was declared, called for the discharge of three officials, the terminal superintendent, who was alleged to be "unfit to hold his present position," the chief detective of the road for "harassing us with a band of brigands," and a newly appointed assistant yardmaster because, as alleged, the seniority rule had not been observed in his appointment. In response to the above, transmitted by telegraph, the superintendent of the New York division replied by wire, requesting the men to resume work and promising to confer with them in person and to investigate all grievances. The same request and promise was later repeated to the strikers' committee, but a meeting of the strikers decided to refuse to return to work until their demands were granted.

Several subsequent conferences between the committee and the New York superintendent as well as the general superintendent of the road failed to bring about an agreement. The final settlement of the strike was brought about by the efforts of the Grand Master and Deputy Grand Master of the National Brotherhood of Railroad Trainmen, Deputy Commissioner of Labor John Lundrigan and State Mediator of Industrial Disputes Bernard Stark. On November 22d the trainmen, after notifying the other strikers, acting through the local lodge of that order, appointed a com-

mittee to meet the general superintendent of the road. This committee, accompanied by Messrs. Lundrigan and Stark, carried to the superintendent a proposition that the men return to work and then present their grievances in due form to be investigated by the company. The first conference resulted in no agreement, but a subsequent meeting of the same parties finally resulted in the substantial acceptance by the company of the above proposal. The local lodge of trainmen, after a stormy session, finally voted to adopt the proposal, which was to apply to all the strikers, in New Haven as well as New York, and whether members of the trainmen's organization or not, though the settlement was brought about through that order.

Electrical Workers—Rochester.

The members of Electrical Workers' Union No. 46 of Rochester, forty in number, struck on October 1st for an increase in the minimum wage rate from \$2.25 to \$2.50 per day. The same demand had been made several months earlier but allowed to rest until a short time before the strike, when it was renewed.

Deputy Commissioner of Labor Lundrigan visited Rochester twice in an endeavor to arrange conferences of the parties, but without success. The strikers expressed willingness to confer, but the employers, all of whom were members of a contractors' association, declined to meet the men, claiming that the men had not given sufficient notice of the strike. A settlement was finally reached at a conference arranged by the Grand Secretary of the International Brotherhood of Electrical Workers, the increase in wages being conceded to the men.

Machinery Makers—Silver Creek.

A strike of twenty-two molders in the shops of the Huntly, the Invincible, and the S. Howes manufacturing companies of Silver Creek, makers of grain cleaning machinery, was declared on October 18th to secure an increase of twenty-five cents a day in wages. At about the same time a joint request was made by all the trades in the shops which had become organized for recognition of the unions. This latter request led the three firms to close down on the 21st of the month, thereby locking out about 225 employees. Several days later, however, the shops were

opened, but the employees were informed that no one could return to work except as an individual upon formal application. About ninety non-union men at once went to work, the unionists, however, refusing to return.

Efforts by Deputy Commissioner Lundrigan to settle the dispute were unavailing, as the firm refused to recognize any organization, though willing to take back practically all the men individually. The controversy continued until November 9th, when the employees returned to work upon the same basis as before the suspension of work.

Lead Workers—Niagara Falls.

All the employees of the Electric Lead Reduction Company of Niagara Falls, eighteen in number, struck on October 2d, because of the refusal of the company to receive the shop committee of their union and on account of the employment of non-unionists, which, it was claimed, violated the firm's agreement with the union. Deputy Commissioner Lundrigan arranged a conference of the parties, only to find that the superintendent of the company would not take back any of the strikers and that the president supported him in such refusal. No settlement could be effected, therefore, and the strikers' places were gradually filled by other men.

Brewery Employees—Buffalo.

On September 29th the employees of the Excelsior Brewing Company of Buffalo refused to work longer with the firm's brewmaster and struck. A day or two later they returned to work, but on October 3d stopped work again, virtually closing down the plant. The men claimed there was no strike, but that they simply refused to work with the brewmaster, while the company maintained that the employees' union was violating its agreement in failing to supply men to run the plant so long as the company was fulfilling the agreement as they claimed they were doing. Conferences arranged by Deputy Commissioner Lundrigan failed to adjust the differences and the men finally returned to work on November 12th under the former conditions.

Cigar Makers' Strike—Albany.

One hundred and ninety cigar makers, employed by the firm of Van Slyke & Horton, of Albany, struck upon the refusal of the firm to discharge the foreman at their request. The strikers also demanded an increase in wages of \$1.00 per thousand on one brand of cigars, which was also refused. At no time would the firm even consider the discharge of the foreman, who had been in their employ for twenty-five years, and the strike continued until November 30th, when it was settled by the intervention of a representative of the Cigar Makers' International Union, with which the strikers were affiliated, and the men returned to work under the old conditions.

INCREASED WAGES FOR NEW YORK CITY BOOK AND JOB COMPOSITORS.

An agreement recently entered into between the New York Typothetæ, composed of the leading employing printers in that city, and Typographical Union No. 6, will result not only in an increase of wages for book and job compositors, at the beginning of 1902, but will insure peace in that important branch of the printing industry of the metropolis for a period of three years. In November the workmen's organization, through its President, Marsden G. Scott, and its Secretary-Treasurer, Jerome F. Healy, submitted the following to the employers:

"For many years the members of Typographical Union No. 6 employed in the book and job branch of the printing trade have received but \$3 per day of nine hours for their services. Regardless of the general wave of prosperity which has been felt in all lines of business, the book and job printer has been called upon to pay an increased price for the necessities of life despite the fact that his income has remained at a figure ridiculously low when compared with the wages received in other skilled trades.

"In order that the book and job printers of this city may provide the necessary comforts for their families, more properly educate their children, and be of greater service to their fellowmen, the members of Typographical Union No. 6 have instructed their officers to present to the employing printers of the city of New York the following proposed changes in their scale of prices:

"First—An increase in the price of piece composition of five cents per 1,000 ems.

"Second—An increase of two dollars per week in the wages of book and job compositors, making the rate \$20 per week instead of \$18 as at present.

"Third—An increase of two dollars per week in the wages of machine operators in book and job offices, making the rate \$22 per week instead of \$20 as at present.

"Fourth—Eight hours to constitute a day's work on all state, county and municipal printing, to be paid for at the rate of \$20 per week for hand compositors and \$22 per week for machine operators.

"An effort to better the condition of the piece compositors will, we believe, meet with the hearty co-operation of most employers. The average earnings of these men are not sufficient to provide the bare necessities of life.

"The increase asked for in the time scale is less than four cents per hour and the increase for machine operators is the same.

"The request for eight hours on state, county and municipal printing is in conformity with the present New York State labor law.

"With the sincere desire of bringing about the proposed changes in our scale without inconvenience to our employers, representatives of this organization will call upon you to receive such suggestions as you may be pleased to offer."

A number of concerns not connected with the master printers' association immediately conceded the demands, but the Typothetæ demurred, and a Joint Conference Committee, composed of William Green, Joseph J. Little, Charles T. Root, Isaac A. Blanchard, Oscar W. Brady, J. Bowyer Vaux and Richard R. Ridge, representing the Typothetæ, and Marsden G. Scott, John H. Maxwell, George W. Jackson, Patrick H. McCormick, A. W. Collier and W. M. Morrison, the representatives of the typographical union, met on December 9th and decided upon terms which were subsequently ratified by both bodies. The agreement is to take effect on January 6, 1902, and will remain in force until January 1, 1905. The piece scale will be raised from 40 cents and 43 cents per 1,000 ems to 42 cents and 45 cents. Time work for hand compositors is to be at least \$19 per week, while type-setting machine operators are to receive not less than \$21 weekly—an increase of \$1 for each class, who will be paid a further advance of 50 cents per week on and after October 1, 1902. It was verbally agreed that compositors engaged on public work shall be employed eight hours daily and receive the same compensation as that provided for a nine-hour day.

The representatives of the two organizations are to convene at an early date for the purpose of formulating detailed trade regulations. All disputed points in relation to shop rules are to be adjudicated hereafter by a permanent Conference Committee.

Following is the full text of the agreement:

"NEW YORK, December 9, 1901.

"The Joint Conference Committee of the Typothetæ and Typographical Union No. 6 hereby agree to recommend the adoption of the following scale of prices and shop rules:

"First—An increase of two cents per 1,000 ems on the piece scale, to take effect January 6, 1902.

"Second—An increase of \$1 per week on the scale for time hands, making the minimum \$19, and an increase of \$1 per week for machine operators, making the minimum \$21, to take effect January 6, 1902; a further increase of 50 cents per week for the minimum of both time hands and machine operators, to take effect October 1, 1902.

"The conference on shop rules to continue until the first of March, 1902; all points then in dispute to be referred to a mutually chosen arbitrator, excepting such points as conflict with the International Typographical Union laws, which shall be referred to the international bodies for arbitration; such points as are agreed on by March 1st to go into effect April 1, 1902.

"A permanent Conference Committee shall be appointed to settle all disputes as to the construction of shop rules.

"This scale to continue until January 1, 1905.

"(Signed by)

"JOSEPH J. LITTLE,

"*President of the Typothetae of the City of New York.*

"WILLIAM GREEN,

"*Chairman Executive Committee Typothetae of New York.*

"MARSDEN G. SCOTT,

"*President Typographical Union No. 6.*

"WILLIAM LYOETT,

"*Vice-President Typographical Union No. 6.*"

LABOR ORGANIZATIONS IN THE PRINCIPAL COUNTRIES.

From various American and foreign publications of recent date, the following table of membership of labor organizations in the principal industrial countries of the world has been compiled:

		Membership.
Great Britain	End of 1900.....	1,003,116
United States and Canada....	1900	1,000,000
Germany	End of 1900.....	995,435
France	End of 1900.....	588,832
Austria	End of 1899.....	157,773
Denmark.....	Jan. 1, 1900.....	96,359
Hungary.....	1899	64,000
Sweden	Jan. 1, 1899.....	58,340
Switzerland	1899	49,034
Spain	Oct., 1901.....	31,558

The distribution of trade unions among the various industries will be shown, for the principal countries, in the following series of paragraphs; the figures for Denmark have already been published in the BULLETIN (March 1901, p. 34).

American Labor Organizations.

The numerical strength of organized labor is not as definitely known in the United States and Canada as in Great Britain and France, where official figures are published by government bureaus; but the following figures may be regarded as fairly approximating their aggregate strength at the beginning of 1901:

	Members.
I. American Federation of Labor.....	1,200,000
II. Railway Brotherhoods (5)	147,000
III. Other national unions.....	136,000
IV. Knights of Labor and unenumerated associations.....	*120,000
Total.....	1,608,000

Most of these figures are derived from the latest report of the Iowa Bureau of Labor Statistics; but use has also been made of the estimates made by the United States Industrial Commission as of July 1, 1901. This applies more particularly to Group III, the national or international unions, other than the railway

* Estimated.

brotherhoods, that are not affiliated with the American Federation. Of these the letter carriers are generally affiliated with the Knights of Labor. The detailed figures follow:

Name of Organization.

I. AMERICAN FEDERATION OF LABOR:	Membership.
Bakers and Confectioners' International Union, Journeymen	9,000
Barbers' International Union, Journeymen	6,900
Blacksmiths, International Brotherhood of	10,000
Boiler Makers and Iron Ship Builders, Brotherhood of	5,400
Bookbinders, International Brotherhood of	4,000
Boot and Shoe Workers' Union	18,500
Brewery Workers, International Union of United	22,500
Brickmakers' National Alliance	3,000
Broom Makers' Union, International	1,000
Building Laborers' International Protective Union	10,000
Carpenters and Joiners of America, United Brotherhood of	70,000
Carpenters and Joiners, Amalgamated Society of	3,000
Carriage and Wagon Makers' International Union	2,000
Chainmakers' National Union of the United States of America	400
Cigarmakers' International Union of America	35,000
Clerks' International Protective Association, Retail	30,000
Coopers' International Union of North America	4,500
Coremakers' International Union	4,000
Electrical Workers of America, National Brotherhood of	3,000
Engineers, National Brotherhood of Coal-hoisting	950
Engineers, International Union of Steam	7,500
Engineers, Amalgamated Society of (machinists, etc.)	2,500
Federal Labor (local) Unions	235,000
Firemen, International Brotherhood of Stationary	2,000
Garment Workers of America, United	22,000
Garment Workers' Union, International Ladies'	2,000
Glass Bottle Blowers' Association of the United States and Canada	4,000
Glass Cutters' League of America, Window	900
Glass Flatteners' Association of North America, Window	500
Glass Workers' Union, American Flint	9,000
Glass Workers' National Union	500
Granite Cutters' National Union	12,000
Hatters of North America, United	7,500
Horsehoers of the United States and Canada, International Union of	4,000
Hotel and Restaurant Employees' International Alliance and Bartenders' International League of America	10,100
Iron Molders' Union of North America	40,000
Iron, Steel and Tin Workers, Amalgamated Association of	8,500
Jewelry Workers' Union of America, International	1,200
Lace Curtain Operatives of America, Amalgamated	1,000
Lathers, International Union of Wood, Wire and Metal	1,000
Laundry Workers, International Union of	5,000
Leather Workers on Horse Goods, United Brotherhood of	3,700
Longshoremen's Association, International	20,000
Machinists, International Association of	45,000
Meat Cutters and Butcher Workmen of North America, Amalgamated	8,320
Metal Mechanics, International Association of Allied	2,300
Metal Polishers, Buffers, Platers and Brass Workers' Union of North America	19,000
Metal Workers' International Union, United	1,500
Mine Workers of America, United (coal)	275,000
Mine Workers, Progressive Union of Northern Mineral (iron)	4,500
Musicians, American Federation of	6,500
Oil and Gas Well Workers, International Brotherhood of	500

Name of organization.

I. AMERICAN FEDERATION OF LABOR,		Membership.
Painters, Decorators and Paperhangers of America, Brotherhood of.....		32,000
Paper Makers of America, United Brotherhood of.....		1,000
Pattern Makers' League of North America.....		2,400
Plate Printers' Union of the United States, National Steel and Copper.....		1,000
Plumbers, Gas Fitters, Steam Fitters and Steam Fitters' Helpers, United Association of.....		15,000
Potters, National Brotherhood of Operative.....		2,500
Printing Pressmen's Union, International.....		10,000
Railway Clerks of America, Order of.....		9,000
Railroad Telegraphers, Order of.....		15,000
Railway Trackmen, Brotherhood of.....		4,500
Seamen's Union, International.....		9,515
Sheet Metal Workers, International Association, Amalgamated.....		3,500
Spinnners' Association, Cotton Mule.....		2,850
Stage Employees, National Alliance of.....		8,800
Steam and Hot Water Fitters and Helpers, National Association of.....		2,000
Stove Mounters' International Union.....		1,400
Street Railway Employees of America, Amalgamated.....		4,500
Table Knife Grinders' National Union.....		600
Tailors' Union of America, Journeymen.....		9,000
Team Drivers' International Union.....		5,000
Textile Workers of America, International Union of.....		4,000
Tile Layers' Union, International Mosaic and Encaustic.....		800
Tinplate Workers' International Protective Union of America.....		2,500
Tobacco Workers' International Union.....		7,000
Trunk and Bag Workers' International Union.....		320
Typographical Union, International.....		32,900
Upholsterers' International Union of North America.....		1,800
Watch Case Engravers, International Association of.....		500
Web Weavers, Amalgamated Association of Elastic.....		355
Wire Weavers' Protective Association, American.....		285
Wood Carvers' Association of North America, International.....		2,000
Wood Workers' International Union of America, Amalgamated.....		17,500
Total—American Federation of Labor.....		1,211,245

II. RAILWAY BROTHERHOODS:

Conductors, Order of Railway.....	25,280
Engineers, Brotherhood of Locomotive.....	35,000
Firemen, Brotherhood of Locomotive.....	36,600
Railroad Trainmen, Brotherhood of.....	45,000
Switchmen's Union of North America.....	*5,000
Total—Railway Brotherhoods.....	146,880

III. OTHER ORGANIZATIONS:

Box Makers.....	5,500
Bricklayers and Masons' International Union.....	39,000
Custom Clothing Makers.....	3,800
Engineers' Beneficial Association, Marine.....	6,000
Letter Carriers, National Association of.....	15,000
Lithographer's International Protective and Beneficial Association.....	2,100
Miners, Western Federation of (gold, silver, copper).....	40,000
Piano Maker's International Union.....	7,700
Plasterers, International Association of Operative.....	7,000
Stone Cutters' Association of North America, Journeymen.....	10,000
Total—Other Organizations.....	136,100

* Estimated.

Trade Unions in England.

The thirteenth annual report of the British Labor Department on trade unions shows that "during the year 1900 the membership of all trade unions rose from 1,800,869 to 1,905,116, an increase of 104,247, or 5.8 per cent, on the previous year. During the period 1896-99 there were percentage increases of 6.2, 8.0, 2.2, and 9.2, so that the rate of increase was somewhat lower in 1900 than in 1896, 1897 and 1899, but much quicker than in 1898. Going farther back, it is found that there were decreases of 2.0 per cent in 1895, 2.9 in 1894, and 1.5 in 1893. On the whole, therefore, the membership of trade unions increased more in 1900 than in any average year of the period 1892-99. The increase in 1900 was mainly due to the growth of the coal mining unions, the membership of which rose from 409,209 to 482,743, an increase of 73,534 or 18 per cent. This represents nearly three-fourths of the total increase in the membership of all trade unions at the end of 1900, thus:

TRADES.	Number of unions at end of—		Number of members at end of—		Increase (+) or decrease (-) in membership.	
	1899.	1900.	1899.	1900.	Number.	Per cent.
Building:						
Laborers.....	62	60	40,056	39,188	— 918	— 2.3
Others.....	76	71	210,581	214,084	+ 4,103	+ 1.9
Mining and quarrying:						
Mining.....	55	54	420,221	494,929	+ 74,708	+17.8
Quarrying.....	7	5	5,186	6,361	+ 1,175	+22.7
Metal, engineering and ship-						
building.....	281	280	331,711	338,075	+ 6,364	+ 1.9
Textile.....	244	237	220,905	220,685	+ 80	+ 0.0
Clothing:						
Boot and shoe.....	17	19	34,918	35,212	+ 1,194	+ 3.5
Other.....	30	29	33,206	32,213	— 994	— 3.0
Transport:						
Railway servants.....	6	6	74,182	78,566	+ 4,384	+ 5.9
Other.....	68	60	89,365	92,653	+ 3,288	+ 3.7
Printing, etc.....	55	54	56,452	57,256	+ 804	+ 1.4
Wood working, etc.....	126	123	39,597	39,704	+ 107	+ 0.3
Chemical, etc.....	45	44	17,527	20,120	+ 2,593	+14.8
Food and tobacco.....	29	26	17,267	17,218	— 49	— 0.3
Enginemen.....	38	32	16,963	19,688	+ 2,725	+16.1
General labor.....	20	19	110,669	113,209	+ 2,540	+ 2.3
Employees of public authori-						
ties:						
Government.....	22	20	34,671	35,192	+ 521	+ 1.5
Local.....	11	11	6,642	8,667	+ 2,975	+44.8
Other unions.....	120	122	41,950	46,547	+ 4,597	+11.0
Total.....	1,802	1,272	1,800,869	1,905,116	+104,247	+ 5.8

"Among the 1,905,116 members of trade unions are included 122,047 women and girls or about 6½ per cent of the total. Such

members are only found in 138 of the 1,272 unions, and they are confined mainly to those industries in which the employment of women has attained to very large proportions. Thus, the cotton industry alone includes 95,975, or nearly 79 per cent of the total number of all female trade unionists.

"The income of 100 principal unions in 1900 was £1,975,000, or about £100,000 more than 1899. The expenditures show a still greater increase, namely, from £1,281,000 to £1,491,000. This increase in expenditure was not, however, sufficient to check the growth in the accumulated funds of the societies which now stand at £3,767,000 or about half a million more than at the end of 1899.

"The expenditure of trade unions divides itself into two main groups, namely, dispute pay and friendly benefits. During the nine years 1892-1900 £13,500,000 have been spent in all by the 100 principal unions. Of this amount over £8,000,000, or 60.3 per cent, has been spent on 'friendly benefits,' such as payments to unemployed, sick or superannuated members, funeral expenses, etc. About £2,750,000, or 20.2 per cent of the total, has been spent on dispute pay, and the remaining 19.5 per cent in working expenses."

Trade Unions in France.

At the end of 1900 the number of trade unions in France was 3,287 as compared with 2,685 in 1899, and their aggregate membership 588,832, which was a gain of nearly 100,000 in the course of the year, the corresponding total at the end of 1899 having been 492,647. The distribution by industries and trades was as follows:

	Unions.	Membership.
Transportation and warehousing.....	434	182,041
Mining and quarrying.....	87	94,952
Metal trade.....	452	94,022
Textile trade.....	249	54,828
Building trade.....	634	50,640
Chemical trade.....	94	23,564
Food preparation.....	208	21,820
Leather and furs (including boots, shoes and gloves).....	189	19,298
Wood working and furniture.....	300	18,467
Printing, paper, etc.....	220	17,040
Agriculture, forestry, fishing, etc.....	124	15,812
Clothing and laundry trade.....	197	14,181
Stone, pottery, glass trade.....	99	12,717
Total—1900.....	3,287	588,832
Total—1899.....	2,685	492,647

The number of female members at the end of 1900 was 32,065.

Labor Organizations in Austria and Hungary.

The numerical strength of labor organizations in Austria in 1899 is indicated in the following table of figures respecting trade unions and trade clubs or educational associations which possess trade union functions to a certain extent:

TRADE UNIONS AND TRADE CLUBS IN AUSTRIA, 1899.

GROUP OF TRADES.	Number of unions or clubs making returns.	Number of branches.	MEMBERSHIP.		
			Male.	Female.	Total.
<i>I. Trade Unions.</i>					
Building trades.....	18	118	7,686	104	7,790
Mining	19	156	13,796	187	13,983
Metal trades.....	18	206	18,269	105	18,374
Textile trades.....	26	120	7,520	1,950	9,470
Clothing trades.....	54	104	8,650	433	9,083
Transport and communication...	4	163	16,665	.....	16,665
Printing, etc.....	17	65	11,603	1,147	12,750
Wood working.....	39	97	7,102	36	7,138
Chemical trades.....	5	12	1,361	94	1,455
Glass, pottery, etc., trades.....	7	146	8,739	949	9,688
Food and tobacco trades.....	19	36	2,973	810	3,783
Leather trades.....	4	43	3,596	76	3,672
Fancy goods manufacture.....	12	8	3,117	52	3,169
Clerks, etc.....	10	5	1,385	58	1,443
Other trades.....	21	5	1,716	55	1,771
General unions (mixed).....	120	78	8,332	838	9,170
<i>II. Trade clubs</i>	492	17	26,457	2,812	29,269
Total.....	883	1,379	148,567	9,206	157,773

The following table of Hungarian labor unions does not include organizations of agricultural laborers, which it is estimated would bring the total membership up to 60,000:

GROUP OF TRADES.	Number of unions making returns.	Membership.
Building trades	21	4,951
Mining and smelting	1	660
Iron manufacture and metal trades.....	22	3,836
Textile trades.....	4	426
Clothing trades.....	33	5,174
Printing and allied trades.....	4	2,607
Woodworking trades.....	22	3,923
Pottery trades.....	4	528
Food preparation trades.....	9	852
Leather trades	2	362
General unions (not confined to one trade)	4	254
Total.....	126	22,603
Grand total, including agricultural laborers		60,000

Trade Unionism in Germany.

In the last few years the growth of labor organizations in Germany has been at an extraordinarily swift pace. In 1900 the aggregate membership of the various organizations increased from 864,350 to 995,435, which was a gain of 131,085, or 15.2 per cent. More than two-thirds of the members of labor unions belonged to the Social Democratic *Gewerkschaften*, as appears in the following table.*

TABLE 1.	1899.	1900.
National trade unions (Social Democratic).....	580,473	680,427
Local organizations (Social Democratic).....	15,946	9,860
Hirsch-Duncker trade unions (<i>Gewerkvereine</i>).....	86,777	91,861
Christian trade unions.....	112,160	159,770
Independent labor unions.....	68,994	58,717
	864,350	995,435

While the Christian unions enjoyed a larger percentage of increase than the Social Democratic unions, much of the former's growth was due simply to the adhesion of certain large organizations previously classified among the independent unions. The real strength of German trade unionism lies in the Social Democratic *Gewerkschaften*, which tripled their membership between 1893 and 1900 as shown in the following table:

TABLE 2.
GROWTH OF SOCIAL DEMOCRATIC UNIONS (GEWERKSCHAFTEN), 1891-1900.

Year.	National unions.	No. branches.	Member- ship.	Women included.	Membership of local unions (circa).	Aggre- gate.
1891.....	62	2,551	277,659	.....	10,000	287,659
1892.....	56	3,956	237,094	4,355	7,640	244,734
1893.....	51	4,138	223,580	5,384	6,280	229,810
1894.....	54	4,350	246,494	5,251	5,580	252,044
1895.....	53	4,819	259,175	6,697	10,781	269,956
1896.....	51	5,480	329,230	15,265	5,858	335,088
1897.....	56	6,151	412,359	14,644	6,803	419,162
1898.....	57	6,756	493,742	13,481	17,500	511,242
1899.....	55	7,623	580,473	19,280	15,946	596,419
1900.....	58	.....	680,427	22,844	9,860	690,287

* *Correspondenzblatt der Generalkommission der Gewerkschaften Deutschlands*, No. 34, 26 Aug. 1901, from which all the recent figures for this article were derived.

TABLE 3.
STATISTICS OF THE NATIONAL SOCIAL DEMOCRATIC UNIONS (GEWERKSCHAFTEN) IN GERMANY.

ORGANIZATIONS, BY TRADES.										
MEMBERSHIP.					NUMBER OF PERSONS EMPLOYED IN TRADE ACCORDING TO THE CENSUS OF 1895.			Organized as per cent of total employed.	Receipts 1900 marks.	Expenses 1900 marks.
1895.		1900.		Total.	Male.	Female.	Total.			
Total.		Male.	Female.							
1. Bakers.....	1,250	4,585	.....	4,585	67,836	327	68,163	6.70	49,567	45,539
2. Barbers.....	1,679	463	.....	463	14,531	146	14,677	8.15	8,498	3,415
3. Blacksmiths.....	1,350	5,500	.....	5,500	87,944	5	87,949	6.25	63,975	61,755
4. Bookbinders.....	3,871	7,401	3,016	10,417	23,285	13,535	36,820	28.64	158,938	170,984
5. Book keepers, etc.....	169	404	.....	404	.....	.....	.....	.....	1,602	1,827
6. Brewery employees.....	6,018	11,410	.....	11,410	39,270	493	39,772	28.70	123,614	70,463
7. Building laborers.....	1,750	17,901	.....	17,901	319,234	8,412	327,646	5.46	238,328	187,226
8. Butchers.....	.....	254	.....	254	50,560	618	51,178	0.49	1,542	1,214
9. Carpenters.....	9,281	23,272	.....	23,272	101,378	5	101,383	24.93	313,310	211,884
10. Clear cutters.....	.....	954	.....	954	c	c	c	.....	22,487	22,245
11. Confectioners.....	330	771	15	786	6,895	1,956	8,851	8.88	10,724	6,272
12. Coopers.....	4,000	5,582	.....	5,582	20,883	1	20,884	26.73	46,592	45,772
13. Coppermiths.....	2,978	3,432	.....	3,432	6,029	1	6,030	56.92	66,554	55,432
14. Dockyard workers.....	.....	3,543	.....	3,543	e 15,246	1	e 15,247	h 36.41	26,359	10,015
15. Enginemen and firemen.....	.....	5,600	.....	5,600	.....	.....	.....	.....	28,422	27,505
16. Engravers.....	1,189	1,189	.....	1,189	7,445	.....	7,445	£ 24.08	17,289	13,607
17. Factory laborers.....	6,737	27,958	2,889	30,847	286,465	58,154	344,619	8.93	289,523	215,701
18. Freight handlers, etc.....	4,626	17,006	.....	17,006	157,610	20,315	177,925	9.55	163,362	142,894
19. Fur workers.....	.....	900	.....	900	3,807	931	4,738	19.00	90,766	80,658
20. Gardeners.....	300	358	.....	358	48,699	8,163	56,862	0.63	2,497	2,390
21. Glaziers.....	705	1,324	28	1,353	4,339	629	4,968	27.21	15,841	11,693
22. Glass workers.....	2,427	7,068	83	7,151	27,329	3,239	30,568	23.23	77,635	63,523
23. Glove makers.....	1,250	2,772	.....	2,772	5,764	26	5,790	47.87	77,547	26,798
24. Glove makers.....	2,768	3,320	105	3,425	4,833	1,579	6,412	57.73	64,965	47,930
25. Hat makers.....	2,722	2,508	121	2,629	8,108	4,802	12,910	31.18	51,955	64,868
26. Hotel and restaurant employees.....	1,752	1,470	.....	1,470	64,972	132,797	197,769	10.74	31,226	31,665
27. Leather workers.....	3,144	4,799	.....	4,799	1,897	1,878	3,775	14.42	65,079	44,117
28. Lithographers.....	4,024	5,811	.....	5,811	12,177	15,989	28,166	85.84	105,428	85,518
29. Longshoremen.....	2,100	11,414	.....	11,414	10,468	804	11,272	56.50	80,011	63,452
30. Masons.....	14,860	82,964	.....	82,964	226,648	194	226,842	36.57	1,294,063	896,855
31. Masseurs.....	133	179	46	225	.....	.....	.....	.....	1,284,954	1,134
32. Metal workers.....	32,297	98,069	2,693	100,763	301,647	23,684	325,331	40.97	1,193,231	1,006,777
33. Millers.....	1,279	1,566	.....	1,566	43,876	275	44,150	3.61	16,293	13,617
34. Miners.....	8,000	36,420	.....	36,420	261,050	5,447	266,497	101.01	192,640	151,264

54. Molders.....	2,359	9,153	49,306	1,402	50,710	18.05	133,089	131,581
55. Municipal works employees.....	.....	4,080	17,038	387	17,426	23.12	174,154	37,361
56. Painters.....	6,948	10,906	58,721	23	58,744	18.35	145,033	145,033
57. Painters and upholsterers.....	7,688	4,400	10,639	350	10,989	40.38	36,876	37,113
58. Pattern-makers.....	2,514	4,185	9,683	6	9,689	12.36	56,891	57,733
59. Porcelain workers.....	7,044	8,223	21,287	8,114	29,401	31.57	135,336	201,467
60. Pottery workers.....	3,529	6,831	21,058	802	21,860	31.10	92,140	60,576
61. Pottery cutters.....	.....	834	.....	a	.....	.....	7,001	9,676
62. Printers.....	19,209	28,838	3,014	96	33,140	50.00	1,612,249	1,297,808
63. Printers' helpers.....	1,582	1,457	4,532	5,745	10,277	14.13	4,691	7,856
64. Roofers.....	1,856	3,169	13,247	.....	13,247	23.92	19,513	15,758
65. Saddlery and harness makers.....	.....	3,917	23,897	1,517	21,414	15.08	61,049	56,858
66. Sash-cutters.....	.....	2,898	20,000	.....	20,000	14.49	36,617	28,312
67. Seamen.....	.....	2,049	b	.....	b	.....	27,204	30,200
68. Ship carpenters.....	1,012	2,009	85,058	9,451	105,489	18.26	190,750	190,750
69. Shoemakers.....	9,056	17,372	6,000	.....	6,000	75.71	113,718	117,443
70. Stone cutters.....	3,132	4,543	8,000	2,611	90,849	11.01	130,605	97,806
71. Stone pillars, rubbers, etc.....	4,500	10,000	88,268	.....	88,268	.....	9,083	9,083
72. Storekeepers.....	700	670	175,759	88,484	261,243	0.45	4,579	2,264
73. Storekeepers.....	475	427	7,224	8	7,232	81.14	15,732	15,081
74. Tailors.....	8,000	14,881	81,545	63,220	144,765	10.80	135,859	118,826
75. Textile workers.....	17,000	29,079	293,387	280,446	542,813	6.32	237,584	263,489
76. Tobacco workers.....	14,138	14,578	6,415,669	d 60,757	d 103,325	19.09	198,767	213,388
77. Tobacco workers.....	23,992	73,246	259,603	10,961	270,564	27.34	1,108,955	1,230,789
78. Wood workers.....	.....	.....	.....	.....	.....	.....	.....	.....
Total.....	2,5,922	657,583	3,677,560	625,796	4,503,356	15.11	£ 90,451,075	£ 88,083,022

a. Included in figures for engravers (16).

b. Included in figures for dock yard workers (14).

c. Included in figures for tobacco workers (57).

d. Includes cigar sorters (10).

e. Includes ship carpenters (48).

f. Includes print cutters (42).

g. For engravers and print cutters combined.

h. For dock yard workers and ship carpenters combined.

i. For tobacco workers and cigar sorters combined.

j. So in original; the items foot up to 4,504,356.

k. So in original; the items foot up to 9,449,135.

TABLE 3—(Concluded).

ORGANIZATIONS, BY TRADES.	DUES (IN PFENNIGS).				TRADE JOURNAL.				ORGANIZATIONS HAVING BENEFITS.		
	1891. Weekly.	1900.			Circulation.	Number of times issued per			Travel- ing.	Out of work.	Sick.
		Weekly.		Monthly.		Week.	Fort- night.	Month.			
		Male.	Female.								
1. Bakers.....	7			80	7,600	1			1		
2. Barbers.....	15	25			2,000			2			
3. Blacksmiths.....	15	25			8,000	1			1		
4. Bookbinders.....		35	15		13,000	1			1		
5. Bookkeepers, etc.....				60	1,000			1			
6. Brewery employees.....	9	30	15		13,180	1			1		1
7. Building laborers.....	7	15			25,000	1			1		
8. Butchers.....		115			2,500			1			
9. Carpenters.....	10, 15	15-35			30,000	1			1		
10. Cigar sorters.....	25	25-75			m	1			1		1
11. Confectioners.....	15	30	15					3			
12. Coopers.....	7			60	8,250	1			1		
13. Coppermiths.....	20	35			4,300			1			1
14. Dock yard workers.....	15	15			4,000			n			
15. Engine men and firemen.....				40	8,000			1			
16. Engravers.....		30			2,400			2			1
17. Factory laborers.....	6			0 60	42,800	1		1			
18. Freight handlers, etc.....		20			25,300			1			1
19. Fur workers.....				50					1		
20. Gardeners.....	15	20			900			1			
21. Gilders.....	15	25	20		2,100			1			
22. Glass workers.....	10-20	10, 15 } 20, 30 }			10,000	1			1		
23. Glaziers.....	8	25			3,600			1			1
24. Glove makers.....	25	35, 45	5		4,100	1		1			1
25. Hat makers.....	45	30, 45	10		3,100	1		1			1
26. Hotel and restaurant employees.....		30			2,500			1			
27. Leather workers.....	20	25			6,200			1			1
28. Lithographers.....	15	40			7,000	1			1		1
29. Longshoremen.....	9			p 80	14,000			1			
30. Masons.....	10	q 20, 25			90,000	1			1		
31. Masseurs.....				50					2		

32. Metal workers.....	15	80	10	100,500	1	.....	1	.....	1
33. Millers.....	17	20	.....	8,800	.....	.....	.....	.....	.....
34. Miners.....	7	.....	.....	87,000	70	.....	.....	.....	.....
35. Molders.....	15	80	.....	8,900	.....	.....	.....	.....	.....
36. Municipal works employees.....	15	15	10	7,300	.....	.....	.....	.....	1
37. Painters.....	25	25	.....	17,000	.....	.....	.....	.....	.....
38. Paperhangers and upholsterers.....	10	20	.....	5,600	.....	.....	.....	.....	.....
39. Pavers.....	10	20	.....	7,200	.....	.....	.....	.....	.....
40. Porcelain workers.....	25-40	10	.....	10,500	.....	.....	.....	.....	1
41. Pottery workers.....	20, 25, 30	10	.....	8,300	.....	.....	.....	.....	.....
42. Print cutters.....	10	20	.....	.....	.....	.....	.....	.....	.....
43. Printers.....	50	110	.....	20,500	.....	.....	.....	.....	1
44. Printers' helpers.....	15	15	.....	2,700	.....	.....	.....	.....	.....
45. Roofers.....	20	20	.....	4,100	.....	.....	.....	.....	.....
46. Saddle and harness makers.....	15	20	10	5,200	.....	.....	.....	.....	.....
47. Seamen.....	10	15	.....	4,000	75	.....	.....	.....	.....
48. Ship carpenters.....	10	20	.....	2,600	.....	.....	.....	.....	.....
49. Shoemakers.....	35	50	10	21,500	.....	.....	.....	.....	.....
50. Stone cutters.....	15	30-60	.....	5,600	.....	.....	.....	.....	1
51. Stone polishers, rubbers, etc.....	15	.....	.....	6,000	.....	.....	.....	.....	.....
52. Store clerks.....	.....	t	.....	1,800	.....	.....	.....	.....	.....
53. Storekeepers.....	11	20	.....	.....	100	.....	.....	.....	.....
54. Stucco workers.....	15	20	.....	u	.....	.....	.....	.....	.....
55. Tailors.....	10	20	10	15,100	.....	.....	.....	.....	.....
56. Textile workers.....	10	20	20	34,500	.....	.....	.....	.....	.....
57. Tobacco workers.....	25	10-20	15	18,500	.....	.....	.....	.....	.....
58. Wood workers.....	25	25	10	73,800	.....	.....	.....	.....	.....
Total.....	.....	.....	Total	762,980	.....	.....	44	.....	21
.....	.....	.....	.....	.....	.....	.....	.....	.....	10

1. In the six winter months 15 pfennigs; in the six summer months 20, 25,

30, 35, according to daily earnings.

m. Same organ as tobacco workers.

n. Every three months.

o. Women 30 pfennigs.

p. Women 40 pfennigs.

q. In localities where wages are 35 pfennigs per hour, 20; in all others, 25.

r. Dues are fixed by the local bodies, but 20 pfennigs per week for each member must be contributed to the central body.

s. Same organ as store clerks.

t. In the three winter months, 10 pfennigs.

u. Same organ as masons.

In 1900 there were 58 national unions, and from the detailed table (Table 3) it appears that the largest organizations are the metal workers with 100,000 members, masons with 83,000, wood workers with 74,000, miners with 36,000, textile workers with 34,000, and factory laborers with 31,000.

The only national union of equally large membership outside the Social Democratic Federation is that of the machinists and metal workers (36,000) affiliated with the Hirsch-Duncker league. Among the Christian labor unions are the miners (26,000) and the employees of the state railways (24,000 in Prussia, 20,000 in Bavaria, etc.). Of the independent unions, the restaurant employees and retail clerks each have an aggregate membership of about 10,000, and the textile workers about 8,500.

The detailed table also shows the relative proportions of organized and unorganized workers in the industries concerned. It appears that the 680,427 members of national unions constitute only 15 per cent of all workers in identical trades. The best organized trade appears to be printing, with 90 per cent of the workers organized. Next follows stone-cutting (No. 50 in the table); but the number employed in this trade is merely estimated, and the trade at best includes only highly-skilled artisans (*Bildhauer*), the majority of stone workers belonging to the union of stone polishers, sawyers, rubbers, etc. Other trades in which more than 30 per cent of the number employed belonged to the trade organization are as follows: Coppersmiths (57 per cent), dockyard workers (36 per cent), glaziers (48 per cent), glove makers (58 per cent), lithographers (36 per cent), longshoremen (36 per cent), masons (37 per cent), metal workers (31 per cent), upholsterers (40 per cent), porcelain workers (32 per cent), pottery workers (31 per cent) and stucco workers (31 per cent).

While strikes constitute the largest individual items in the accounts, the amount thus expended is not so large as the total expenditure for benefits and education. This will appear in the following table:

TABLE 4.
FINANCES OF GERMAN SOCIAL DEMOCRATIC UNIONS, 1891-1900.
[In marks; one mark=23.8 cents.]

	RECEIPTS.		EXPENDITURES.			
	No. unions.	Aggregate amount.	No. unions.	Aggregate.	Benefits.	Trade journal. Strikes.
1891....	49	1,116,588	47	1,606,534	234,208	734,015 1,037,769
1892....	46	2,031,922	50	1,786,271	1,033,619	285,875 44,943
1893....	44	2,246,386	44	2,038,025	936,567	292,157 65,356
1894....	41	2,685,564	44	2,135,806	1,084,070	265,967 188,960
1895....	47	3,036,803	48	2,488,015	1,051,887	274,398 253,589
1896....	49	3,616,444	50	3,323,713	1,150,718	262,708 944,372
1897....	51	4,063,606	52	3,542,807	1,197,960	439,250 881,758
1898....	57	5,508,667	57	4,379,726	1,291,667	518,949 1,073,290
1899....	55	7,687,154	55	6,450,876	1,604,088	603,559 2,121,918
1900....	58	9,454,075	58	8,088,021	2,102,699	718,338 2,625,642
Total		41,487,279		35,737,594	11,688,768	3,906,815 9,237,637

Table 3 shows the receipts and expenditures of each of the national unions in 1900. It also states the regular dues in each organization, which it will be noticed average something like 20 pfennigs, or 5 cents, a week. The printers have the highest dues, 110 pfennigs, or 26 cents, which doubtless explains why they have also the strongest organization. A comparison of 1891 and 1900 shows that the dues of members have been very generally increased in the decade.

The total circulation of the trade journals is 762,930 copies of each edition. The largest circulation is naturally found in the largest union (metal workers). Most of the journals are weekly, but many of them are issued bi-weekly and three monthly. This presents a strong contrast with the journals of American unions, which are nearly all monthly periodicals. The Germans have one journal (printers) which appears three times a week.

Only two (printers and hat makers) of these unions grant invalid or old-age benefits, while 10 give sick benefits, 21 give out-of-work benefits and 44 traveling benefits.

The income of the 58 national unions in 1900 was \$2,383,500 *(9,454,075 marks) and the expenses \$2,022,000 (8,088,022 marks). Both figures denote a considerable increase over the preceding year (7,687,154 marks and 6,450,876 marks, respectively, by 55 unions) and a vast extension of activities as compared with 1891,

*In this article the mark (23.8 cents) is for the sake of convenience reckoned as equivalent to a quarter-dollar.

when the receipts of 49 unions were \$279,147 (1,116,588 marks) and the expenditures of 47 unions were \$401,634.

The expenditures in 1900 were itemized as follows:

TABLE 5.

		Marks.	Dollars.
Trade journal (official organ).....	in 56 unions,	718,538 =	178,334
Agitation and organization.....	in 56 unions,	280,889 =	70,222
Strikes { in same trade	in 46 unions,	2,563,398 =	640,849
{ in other trades	in 43 unions,	63,244 =	15,561
Legal protection.....	in 48 unions,	68,486 =	17,121
Benefits under rules.....	in 32 unions,	97,192 =	24,273
Traveling benefits.....	in 40 unions,	461,028 =	115,257
Out of work benefits.....	in 19 unions,	501,078 =	125,272
Sick benefits.....	in 13 unions,	656,026 =	164,606
Invalidity and old age benefits.....	in 2 unions,	113,530 =	28,382
Other benefits.....	in 36 unions,	208,459 =	51,365
Labor exchanges.....	in 9 unions,	4,345 =	1,086
Libraries.....	in 14 unions,	6,854 =	1,713
Other purposes.....	in 52 unions,	390,793 =	97,698
Conferences and conventions.....	in 39 unions,	115,037 =	28,759
Contribution to central committee.....	in 51 unions,	60,824 =	15,081
Serving legal papers.....	in 13 unions,	4,737 =	1,184
Salaries.....	in 55 unions,	192,646 =	48,161
Stationery and other expenses.....	in 53 unions,	215,650 =	53,912

Trade Unions in Spain.

The organization of labor in Spain has proceeded apace in the last five years, as shown in the following figures of membership of the National Association of Workingmen (Union General de Trabajadores) which were reported in its official journal "La Union Obrera":

Date.	Unions.	Membership.
1889 (November)	27	3,855
1890 (September)	36	3,896
1891 (April)	54	5,457
1891 (August)	58	5,304
1892 (February)	79	7,170
1892 (August)	97	8,014
1893 (February)	110	8,848
1893 (August)	97	8,553
1895 (May)	79	6,276
1896 (February)	69	6,154
1899 (September)	65	15,264
1900 (March)	69	14,737
1900 (September)	126	26,068
1901 (March)	172	29,383
1901 (October)	196	31,558

VIOLATIONS OF THE EIGHT AND TEN HOUR LAWS.

In the revision of the Eight-Hour Law by the Legislature of 1899, the duty of enforcing the law was imposed upon the State Factory Inspector, who has been succeeded by the Commissioner of Labor. Numerous complaints have been made to him of violations of the law on the part of contractors for public works, which have been investigated by the Department and, when sustained, referred to the local District Attorney for prosecution. The disposition of these cases has been as follows:

- Callanan Road Improvement Company, of Albany, N. Y., public contract for construction of macadam road on Broad Street, Norwich, Chenango County, N. Y. Case turned over to District Attorney Matterson, of Chenango County, October 11, 1901. District Attorney unable to do anything with the case inasmuch as only witness the Department had removed from the locality and could not be readily found.
- Charles Sundstrom, of No. 143 Liberty Street, New York City, public contract for building reservoir for city of Middletown. Case turned over to District Attorney A. V. N. Powelson, of Orange County, August 23, 1901. Indicted and held for trial.
- Orange County Road Construction Company, of Newburgh, N. Y., public contract for State road work at Valls Gate and Cocheton Turnpike. Case turned over to District Attorney A. V. N. Powelson, of Orange County, September 13, 1901. Company held in \$500 bail for Grand Jury. Indicted and held for trial.
- The Coryell Construction Company, of Williamsport, Pa., public contract for paving of East Buffalo Street, Ithaca, N. Y. Case turned over to District Attorney Chas. H. Blood, of Tompkins County, August 23, 1901. Company held in \$500 bail for Grand Jury. No bill found against company.
- E. & J. E. Martin, of Utica, N. Y., public contract for State road between Waterford and Mechanicville, Saratoga County. Case turned over to District Attorney Geo. R. Salisbury, of Saratoga County. Firm held in \$500 bail for Grand Jury. Jury failed to indict.
- Whitmore, Rauber & Vicinus, of Rochester, N. Y., public contract for State road work, town of Pittsford, Monroe County, N. Y. Case turned over to District Attorney Stephen J. Warren, of Monroe County, October 9, 1901.
- The Gleason & Kiely Contracting Company, of Syracuse, N. Y., public contract for construction of sewers in the village of Whitesboro, Oneida County, N. Y. Case turned over to District Attorney Timothy Curtin, of Oneida County, October 11, 1901.

A large part of the trouble that has arisen in connection with public contract work may be attributed to the uncertainty felt regarding the constitutionality of the law since the decision of the Court of Appeals (*People ex rel. Rodgers vs. Coler*, 166 N. Y. 1*) declaring the prevailing rate-of-wages-clause in the same section of the law to be unconstitutional. The contractors have generally raised this point as a defense for working their employees more than eight hours a day and in many cases the prosecution has been weakened by the same cause. In the Ithaca case referred to above, the grand jury of Tompkins county, sitting at the December Term of the Supreme Court, failed to indict as a result of the court's response to the jury's request for instructions on the following points raised at the instance of the District Attorney of Tompkins county:

First. "As to the constitutionality of the law making criminal the act of a person contracting with a municipal corporation who shall require more than eight hours work for a day's labor."

Second. "If the law was constitutional, as to whether it was criminal for such contractors to permit individuals at their election to work more than eight hours in any one day."

Third. "Whether such contractors are liable for the acts of their subordinate officers, not acting under specific instructions, in employing laborers for more than eight hours in any one day."

The answer of the court, Supreme Court Justice Mattice, was substantially as follows:

In such cases, the contractor would be liable for the acts of subordinate officers, providing the contractor knew what the subordinates were doing. Even though they were not given any specific instructions from the contractor, if he knew what they were doing in the way of employing labor, he would be deemed in law to have acquiesced in it, and would be liable if any liability attached. But, gentlemen, it is my judgment, under recent decisions, that the labor law having reference to requiring eight hours labor and no more, is unconstitutional and invalid; that the Legislature exceeded its powers when it in effect said that municipalities could not require more than eight hours labor of a man. The effect of the holding of the Court of Appeals is, that a municipal corporation is the same as an individual, and therefore, that would be that the Legislature if they had the power, might say that no individual, no farmer, no merchant, no person, could employ labor for more than eight hours a day, and that no man would have the right to work for more than eight hours a day. That would be the effect; yet, the Legislature has no such power. It would be unconstitutional in two or three ways, and an intervention of the rights of every citizen. That law, I think, when

* Reprinted in the March BULLETIN, pages 45-61.

the test comes, will be declared unconstitutional, as all the court will be of unanimous opinion that the Legislature has not that authority; and if such a case comes before you, I would advise you to refuse to indict, because any indictment here brought would be set aside by this court.

Acting upon this advice of the court, the members of the grand jury voted against a bill of indictment, and the case was thus dismissed.

In view of the fact that so many contractors are disposed to interpret the decision in *Rodgers vs. Coler* as a virtual nullification of the eight-hour law and of the apparent uncertainty among municipal officers as to the validity of the law, it seems advisable to call attention to the fact that the latest decision of the Court of Appeals expressly declares that its decision in *Rodgers vs. Coler* did not affect the eight-hour clause of the labor law. Thus in the case of the *People ex rel. Lentilhon vs. Coler* (168 N. Y. 6) which has already been reported in the *BULLETIN* (September, 1901, page 258), the Court of Appeals, speaking of section 3 of the Labor Law, which contains both the eight-hour and the prevailing-rate-of-wages clauses says that the latter provision was held unconstitutional in *Rodgers vs. Coler* and adds:

"This leaves but one issue to be tried, to wit, the constitutionality of the provision of the Labor Law of 1897, as amended, which prohibits more than eight hours of work in any calendar day under contract with the State or a municipal corporation."

This makes it sufficiently clear that the eight-hour law was not held unconstitutional by the *Rodgers* decision. It is to be hoped that that issue will soon be determined. Indictments have been found in two Orange County cases, noted above, and if the law is contested by the contractors in those cases on the ground of unconstitutionality of the law, a decision should be obtained from the highest courts in the course of a few months.

Violation of the Ten-Hour Law for Street Railways.

Section 5 of the Labor Law prescribes that no employee of a street railway corporation in cities of more than 100,000 inhabitants "shall be permitted or allowed to work more than ten consecutive hours, including one-half hour for dinner, in any one day of 24 hours" and the Penal Code makes such offence a misdemeanor punishable by a fine of not less than \$500 nor more than \$1000.

On December 17 the Brooklyn Heights Railroad Company, in an action instituted by the Socialist Trade and Labor Alliance, was found guilty by a jury in the Kings county court of violating this ten-hour law. According to newspaper reports, the complaining witness was Joseph Cooper, of 326 Twenty-third street, Brooklyn. He testified that on July 15, 1899, he was employed as a conductor on the West End division of the company's road. He swore that he reported for duty on that day at 2:46 p. m. and remained on his car continuously, under orders, until 2.04 a. m. the following day, eleven hours and eighteen minutes. Cooper alleged that he complained, but was told that he would have to put up with it or quit.

The company, through its counsel, Professor Collin, sought to show that when Cooper worked the length of time he alleged he had worked, he did so of his own volition and without any compulsion from the company. It was also contended that the law related only to the hours in which the car is actually operated, and not for the time it is in commission.

It is understood that the company will appeal the case.

DECISIONS OF NEW YORK COURTS.

Acquittal of a Labor Organizer from Charge of Being a Public Nuisance.

The city of Jamestown, in Chautauqua County, is one of the principal centers of the manufacture of furniture in the United States. This summer the employees of the furniture factories there initiated a movement to secure a reduction of working hours from ten to nine a day, and as many of them belonged to local branches of the Amalgamated Woodworkers' International Union, George M. Guntner, an organizer employed by this union, went to Jamestown to assist the local bodies. On October 12, at a term of the supreme court, the Chautauqua County grand jury presented an indictment against Guntner, charging him with the crime of public nuisance.

This indictment was probably the first one of its kind ever presented, in New York State at least, and the novelty of the case has attracted considerable attention. The defendant filed a demurrer upon the grounds that the facts set forth in the indictment did not constitute a crime and on November 26, County Judge Jerome B. Fisher sustained the demurrer and dismissed the indictment. The opinion filed by Judge Fisher is a rather long one and can be presented here only in the form of a summary.

Judge Fisher analyzes the charges against the defendant and treats them under the following heads: (1) That Guntner circulated false statements to the effect that the workmen employed in the furniture factories of Jamestown were underpaid and overworked in comparison with employees in similar enterprises in other cities; (2) that he created agitation, unrest and dissatisfaction among these workmen in Jamestown, and by inciting in their hearts enmity and hatred for their employers, he created a desire to render such employers insecure in life and in the use of their property; (3) that he endeavored to induce the laboring men to boycott their employers, and that he thereby actually injured and damaged their property.

With regard to the first of these charges, Judge Fisher finds that the defendant was acting within the law and his constitutional rights, even if such statements as to the inferiority of conditions in the Jamestown factories had been false; "assuming for the sake of argument, that a man exercising his constitutional right to speak freely his sentiments upon any question or to publish them, might under certain circumstances become a public nuisance, there is no allegation in this subdivision of the indictment charging that the defendant made these statements at such times, under such circumstances, and in such a manner as to disturb the quiet and peace of the community."

With respect to the second charge, Judge Fisher said:

"The defendant was acting within the law and his constitutional rights in advising laboring people to strike, quit work, leave the employment of their employers, and if thereby he created unrest and dissatisfaction among them, or created in their hearts enmity and hatred for their employers and a desire to injure such employers and their property, such action on his part, however reprehensible it may have been, was not indictable as a public nuisance. If it could ever become a public nuisance it must have been done in such a manner as to disturb the public comfort, repose or safety. In other words, the indictment does not allege that the agitation conducted by the defendant, looking to bringing about a strike among certain of the employees of said city was conducted in any other than a quiet and peaceable manner. It does not allege that there were any public gatherings in connection with such agitation that disturbed the public peace, or that this agitation was conducted in any public place in such a manner as to bring it within the definition of a public nuisance."

The third charge is dismissed on the ground that the boycott, even if attempted, had not been successful since "no specific property is alleged to have been injured or damaged. The utterances and publications and acts alleged in the indictment must have been an injury to the business of employers, as distinguished from property, and it is not such an injury to property as is meant by section 385 of the Penal Code," under which the indictment was found and which provides among other things:

"A public nuisance is a crime against the order and economy of the State, and consists in unlawfully doing an act or omitting to perform a duty, which act or omission: 1. Annoys, injures or endangers the comfort, repose, health or safety of any considerable number of persons. 2. In any way renders a considerable number of persons insecure in life or the use of property."

Judge Fisher then defines a public nuisance in the following terms:

"A public nuisance is something that is offensive to one or more of the five human senses; either offensive to the sense of hearing, seeing, smelling, tasting or feeling. In most cases it is the use of property in such a manner as to annoy, injure or endanger the comfort, repose, health or safety of a considerable number of persons—which means the public. It must be offensive to the senses of those who come within the sphere of its influence. There is nothing in this indictment alleging that anything that the defendant said or did was offensive to those who heard or saw it. Everything that he said may have been entirely agreeable to his auditors, and in entire harmony with their views; everything that he did may have been entirely agreeable to those who saw it. There is nothing charging in the indictment that it was otherwise, and nothing charging that what he said or did was said or done in such a manner as to disturb the public peace or annoy the public. The injury claimed to have been done is an injury to certain individuals in a certain line of manufacture; and it is not alleged that they or either of them heard, read or saw anything that the defendant said, did or published. The allegations of this indictment do not constitute the crime of a public nuisance."

Guntner was also indicted on the charge of circulating false rumors and statements with the purpose of affecting the price of stocks and bonds of Jamestown corporations. On this indictment, Judge Fisher overruled the demurrer and held Guntner to await trial, at the Chautauqua County court, December 9, 1901.

The false rumor or intelligence charged against the defendant was his statement "that there was to be a general strike of the woodworkers employed in the various woodworking manufactories in said city of Jamestown; that he would tie up every woodworking manufactory in said city, and stop work and manufacturing therein and thereby ruin the said corporations, associations, partnerships and individuals, and affect and depreciate the value and the market price of their and each of their property, stocks, bonds, evidences of debt, merchandise and commodities." The court holds that the intent with which the act was done was a necessary element to constitute the crime charged under section 435 of the Penal Code, and it interprets the demurrer as an admission of the existence of criminal intent.

The court incidentally held that the offence charged was not a criminal offence at common law, but was made so by statute.

Constitutionality of Law for Sunday Closing of Butcher Shops.

One of the important acts of the Legislature of 1901 was a law requiring the closing of all meat shops on Sunday,* thereby adding somewhat to the leisure time of a class of workmen who still have unusually long hours of labor. The law went into effect on the first of September and was at once contested. The question of its constitutionality was raised by the arrest, in a test case, of William Woodin, a butcher on the East Side of New York city, who sold uncooked meat on the first Sunday after the law took effect. Woodin sued out a writ of habeas corpus, which was dismissed by Judge Giegerich, of the Supreme Court, in a decision handed down November 26th. The decision sustains the act, the reasoning of the opinion, as reported in the newspapers, being as follows:

"Under section 267 of the Penal Code, prior to its amendment by chapter 392 of the Laws of 1901, the sale of articles of food generally was permitted on Sunday before 10 o'clock, and the sale of meals, to be eaten on the premises, was allowed at any time of the day. By the amendment of 1901, the following sentence was added: 'The provision of this section, however, shall not be construed to allow or permit the public sale or exposing for sale or delivery of uncooked flesh foods, or meats, fresh or salt, at any hour or time of the day.'

"It is contended on behalf of the relator that this amendment does not apply to the sale of uncooked meats before 10 o'clock, and if it does so apply, the absolute prohibition of the sale of raw food on Sunday is excessive of the police powers of the Legislature.

"It is clear that the amendment of 1901 does apply to the sale of meats. The section, before the amendment, permitted the public sale of food, cooked or uncooked, before 10 o'clock, and the amendment must relate to this part of the section, and limit the right of public sale before 10 o'clock to cooked meats, etc. It cannot be made to apply to the sale of meals, for it has no relation to that subject unless the Legislature is to be assumed to have classed as a meal the public selling of uncooked flesh to be eaten upon the premises, an interpretation not reasonably applicable to the habits of a civilized community.

"I take the act, therefore, to intend the prohibition of the sale of uncooked meat at any hour on Sunday, but to allow the sale of meat at any time, and the public sale of cooked meats, etc., before 10 o'clock, and I find no reason for holding that this regulation of Sunday traffic is unconstitutional."

*The text of this law will be found in the June BULLETIN, p. 156.

**Right of City Employees to Recover for Extra Work Under the
Eight-Hour Law.**

The June BULLETIN (page 140) reported a decision of the Appellate Division in the case of McNulty vs. The City of New York, which upheld the right of 797 drivers in the street cleaning department of the city to recover about \$1,336,000 for extra work performed by them in working more than eight hours a day between January 1, 1892, and April 26, 1894. That decision sustained the eight-hour law of 1870, but called attention to section 47 of the New York City Consolidation Act (L. 1882, ch. 410) which provides that city officials shall so regulate their expenditures that the same shall not in any one year exceed the amount appropriated and that "no charge, claim or liability shall exist or arise against said city for any sum in excess of the amount appropriated." This act, however, had not been pleaded by the city in defense and the court therefore refused to discuss its effect.

The case was carried by the city to the Court of Appeals, which on October 1st handed down a decision affirming the judgment of the Appellate Division. The opinion, which was written by Judge Haight and concurred in by the entire court, discusses but the one question of procedure and therein takes the same view of the case that was held by Judge O'Brien, who wrote the opinion of the Appellate Division. Under the Code of Civil Procedure the suggested provision of the Consolidation Act cannot be introduced as a defense in the court of last resort. (168 N. Y. Rep. 117.)

Injunction to Restrain Alleged Boycotting.

A New York City firm of clothing manufacturers, Messrs. Cohen, Goldman & Co., sought to secure an injunction restraining the United Garment Workers of America and the local branches in New York and Brooklyn from sending to the firm's customers circulars charging it with putting out sweatshop goods, and advising them that if they continued to buy goods of said firm, all union men residing in their vicinity would be notified. The plaintiffs also asked for a temporary injunction, pending the action, but this was denied by Judge Blanchard of the Supreme Court, at the New York Special Term, in September, on the ground that the circulars were not shown to contain any threats

or intimidation and that it is not the policy of the law to grant injunctive relief during the pendency of the action when that relief would be the same as that ultimately granted if the plaintiffs succeeded at the trial, the plaintiffs' right to the relief being at the same time in doubt. The opinion in full is as follows (35 Misc. 749):

"This is an application by plaintiffs to enjoin defendants, during the pendency of the action, from issuing certain circulars to plaintiffs' customers. It is claimed by plaintiffs that, by reason of the circulars sent to their customers, their business has been seriously affected, and irreparable damage will be done unless the continued use of such circulars be restrained. The defendants claim that in the distribution of such circulars no law is being violated by them, and their contention is not without an appearance of authority. It has been held by the Appellate Division of this department that the employees had the right to notify persons engaged in the trade of the controversies existing between them and their employers, and to request such persons not to deal with their employers unless such differences should be adjusted. *Sinsheimer v. United Garment Workers*, 77 Hun, 215, 217. In that case the court reversed the order of the Special Term granting an injunction *pendente lite*, stating that there was no satisfactory proof of any threats or intimidation. The plaintiffs in this case contend that the circulars do contain a threat and do intimidate the parties to whom they are sent. Circulars substantially similar in form were, however, held in the *Sinsheimer* case not to have amounted to a threat or intimidation or constitute any infringement of any provision of law. It may be that the second circular complained of in the present case goes somewhat further in the direction of being objectionable, but I am not inclined to grant the injunction *pendente lite* when the action can be tried and the rights of the parties more satisfactorily disposed of at no very distant date. It is not the policy of the law to grant injunctive relief during the pendency of the action, where that relief would be the same as that ultimately granted if the plaintiffs succeeded at the trial, and the plaintiffs' right to the relief sought is involved in doubt. *Hart v. Mayor*, 9 Wend, 571, 581; *McGuire v. Bloomingdale*, 8 Misc. Rep. 478, 479. The motion is, therefore, denied, with ten dollars costs."

Employers' Liability.

[The decisions touching employers' liability published in the BULLETIN include all those by the Court of Appeals and those decisions by the Appellate Division of the Supreme Court from which there is no appeal as of right. See Code of Civil Procedure, §§ 191 and 1337.]

Negligence—Injury to a Molder from Pouring Molten Iron into Wet or Rusty Holes in Defective Castings—Duty of the Master to Examine the Holes—Failure of the Molder to do so.—The Appellate Division, Fourth Department, unanimously reversing an order of

the Supreme Court granting a new trial in *Dyer v. Brown*, and affirming the verdict of the lower court, handed down in the July term a decision thus summarized by the official reporter:

In an action brought to recover damages for personal injuries sustained by the plaintiff, a molder employed by the defendants, while he was pouring molten iron into holes in defective castings, in consequence of an explosion due to the presence of rust or water in the holes, it appeared that the defective castings had, by direction of one of the defendants, been placed some forty feet distant from where the plaintiff was accustomed to work, at a place where the defendants knew or should have known that a portion of the roof was in a leaky condition; that at the time the plaintiff was directed to assist in filling the holes the work of placing the castings in readiness for the operation had been completed under the direction of the defendants' foreman; that no means were taken to ascertain whether there was rust or water in the holes, although the defendants knew that, if there was, an explosion would be likely to result when the molten iron was poured into them. Evidence was also given that the plaintiff, who had had about fourteen years' experience as a molder, had never done or witnessed the doing of work of that character, and that he did not know the effect of the presence of dampness or rust in the holes.

Held, that the jury was justified in finding that the defendants were guilty of negligence in neglecting to examine the holes before directing the plaintiff to fill them, or in failing to notify the plaintiff that such an examination had not been made, and to warn him of the danger which might be expected in case the holes happened to be damp or rusty;

That the jury was also justified in finding that the intestate was not guilty of contributory negligence because of his failure to make the examination himself. (64 App. Div., 89.)

Negligence of Employer Who Fails to Maintain Scaffolding in a Safe Condition as Required by the Labor Law.—The section of the Labor Law (L. 1897, ch. 415, §18) which requires employers to furnish safe and suitable scaffolding for workmen employed on buildings was held by the City Court of New York, at the General Term, June, 1901, to render of no effect the defendant's charge of contributory negligence on the part of the plaintiff, who was an injured employee (*Healy v. Burke*, 35 Misc. 384-7). The court therefore reversed the judgment of the lower court which had dismissed the complaint, saying:

"The law declares that the defendant was bound to erect and furnish a safe, suitable and proper scaffolding for the use of this plaintiff, and when the law has so declared, it is but reasonable to say that the intention of the law is that the duty thus imposed can only be performed by maintaining the condition that the law required to be created. It thus follows that, not only was it the duty of the defendant to erect

and furnish a safe scaffold, but he was bound to maintain it in that condition during the time the plaintiff was required to work thereon pursuant to his orders, and his failure to do so would be negligence.

"The fact that the plaintiff did not look and observe that the lapped plank had been removed did not create a question of law, but one of fact as to his contributory negligence, and that question was for the jury to determine."

Injury to an Employee from the Improper Piling of Bags of Cement in a Storehouse Does Not Make Employer Liable.—In the case of *Page v. Naughton*, the Appellate Division, Second Department, at the July term, unanimously reversed the judgment of the Supreme Court entered upon the verdict of a jury for \$5,000 damages, and ordered a new trial. The facts as summarized by the court reporter follow (63 App. Div. 377-382):

"Contractors engaged in constructing a street railway perform their duty, with respect to the handling of bags of cement to be used in the execution of the work, by furnishing a safe place of storage, competent men to handle the cement, a skillful superintendent and foreman to supervise the various processes of storing and removing it, and by inspecting its state and condition with reasonable frequency; if the contractors perform this duty they are not liable for injuries sustained by an employee because of negligence in the manual work of piling or removing the cement, whether such negligence was that of the superintendent, foreman or a common laborer; such negligence is that of a fellow-servant and is assumed by the injured employee as a risk of the employment. Any danger arising from the condition of the bags, which was, or might be, due to the negligence of a fellow-workman would not render the storehouse an unsafe place to work in in a legal sense."

Injury to an Employee from Breaking of a Plank on Scaffolds Not Due to Employer's Negligence.—In the case of *Rager vs. The Delaware, Lackawanna & Western Railroad Company* decided by the Appellate Division, at the July term, section 18 of the Labor Law was pleaded to show that it was the duty of the company to furnish to its employees safe and suitable scaffolding, but the court declined to recognize this provision of the law on the ground that it had not been pleaded at the trial, and decided that the negligence to which the accident was due was as a consequence to be imputed to the plaintiff himself and not to the company. The facts are thus given by the official reporter (64 App. Div. 134):

In an action brought to recover damages for personal injuries sustained by the plaintiff, while employed as a car repairer in the defendant's

repair shop, it appeared that there were three parallel repair tracks in the shop, and that on each side of each of the three tracks was a permanent scaffolding, suspended ten feet from the floor, and designed to be used by the workmen while engaged in repairing the sides and roofs of the cars, and that when it was necessary to work upon the end of the car the workmen selected planks from a supply of suitable planks kept for that purpose and constructed a temporary staging by laying the planks across the space between the permanent scaffolds; that on the day of the accident the plaintiff, his foreman and two other employees got upon a plank, which had been placed across the space between the permanent scaffolds, for the purpose of repairing the roof of a car, and that, while they were so engaged, the plank broke, precipitating the plaintiff to the ground and injuring his ankle. The plaintiff had been employed by the defendant for four years, and was aware that it was one of the defendant's rules that no more than two men should stand upon one of these planks at the same time. *Held*, that the placing of the plank in position was a mere detail of the work, and that the fact that the plaintiff went upon it under the direction of the foreman did not charge the defendant with liability for the injury sustained by the plaintiff, even though the plank were unsound; that the point that the temporary staging was not constructed in compliance with the Labor Law (Laws of 1897, chap. 415, §§18, 19) was not available to the plaintiff, as the case had been tried without any intimation that that statute affected the defendant's liability.

Negligence—Fall of Telegraph Pole upon a Lineman.—Henry Riker, a lineman in the employ of the New York, Ontario and Western Railway Company, was engaged in taking down telegraph wires from a telegraph pole, preparatory to its removal to the opposite side of the track, when the pole fell and inflicted upon him physical injuries. He sued the company for damages and obtained a verdict of \$1,500 in the Supreme Court, Orange County, but the company appealed the case. The Appellate Division, Second Department, unanimously affirmed the judgment at the October term, holding that the company had failed to furnish its employee with a place of reasonable safety for his work, in that the pole was embedded in only twenty-two inches of earth, where it should have been embedded at least five feet. There was evidence that the soil had been washed away by rains; but there was no evidence of any system of inspection or of any actual inspection. The defendant was therefore guilty of negligence. (64 App. Div. 357).

Contributory Negligence—Walking into Temporary Elevator Shaft.—A judgment of the Appellate Division in favor of the plaintiff in *Kennedy vs. Friederich* (45 App. Div. 631) was

reversed by the Court of Appeals on November 1st. The reversal and order for new trial were based on the ground that the plaintiff was guilty of contributory negligence. The general facts of the case and the decision are thus summarized in the official report:

One who, having been formerly employed in a building in process of construction, enters therein after dark or in the twilight for the purpose of getting his pay, while the building is in an unfinished condition, having a temporary floor of planks over the basement and a temporary elevator, the location of which he knows and which to his knowledge is in almost constant use and liable to be moved from the ground floor to other places in the shaft, leaving the hole therein open, and who, passing across the elevator platform, which at the time is on a level with the ground floor, proceeds to the office and after receiving his pay returns through the building and walks into the elevator shaft, the elevator having been in the meantime moved, and falling to the basement receives injuries, is guilty of contributory negligence, since he has no right to assume that the elevator is resting on the ground floor and that he can cross in safety. (168 N. Y., 379.)

Negligence—Injury Where a Brakeman, Required to Flag a Train, Failed to do so Because of Epilepsy.—A decision by the Appellate Division in the Fourth Department (July term), which affirmed judgment by the Supreme Court in *Baird vs. New York Central and Hudson River Railroad Company*, was to the following effect:

In an action brought to recover damages for injuries sustained by the plaintiff while employed as a fireman on one of the defendant's passenger trains, in consequence of the failure of a brakeman on a freight train, which had met with an accident while travelling on the same track as the passenger train, to go back at least half a mile with a red light to warn all approaching trains, as required by the defendant's rules, the liability of the defendant was claimed to arise out of the fact that the brakeman was subject to epileptic fits and that in consequence thereof he was incompetent to perform the duties of his employment. *Held*, that it was not error for the court to refuse to charge that, if the brakeman exercised reasonable care and showed ordinary ability, care and prudence in the performance of his duties before the time of the accident, the plaintiff could not recover.

Seemle, that if the charge of incompetency was made on the alleged ground that the brakeman was habitually careless and neglectful of duty, the fact that he had never been careless or neglectful before the accident would be a perfect answer to the charge.

The fact that some of the officers of the defendant to whom notice of the brakeman's condition was given died, is immaterial. (64 App. Div., 14.)

Negligence—The Breaking of a Board on a Trestle While an Employee is Unloading a Coal Car—When the Act of a Foreman is That of a Fellow-Servant.—In denying motion of by the plaintiff for a new trial in the case of *Warszawski vs. McWilliams*, at its July term, the Appellate Division, Fourth Department, held that—

A man engaged in operating a coal trestle, the floor of which is pierced by many openings, through which the contents of coal cars can be dumped into the bins located under the trestle, is not liable for injuries sustained by an experienced employee, while trying to pry open the doors in the bottom of a coal car in order to facilitate the unloading of the car, in consequence of the breaking of one of three boards which, under the direction of a competent foreman, have been placed across one of the openings in the floor in order to enable the employee to stand thereon and to perform his task more conveniently than he could if he stood on the floor of the trestle, where it appears that the boards upon which the employee stood were not supplied by the defendant, but were some of those which had been used to convert box cars into coal cars and had been thrown aside when the box cars were unloaded, and, so far as appeared, had no latent defects, that the employee had frequently seen such boards used for the purpose for which he used them and knew how they were brought there.

The placing of the boards across the opening was simply an incident of the work, in doing which the foreman was a co-employee of the injured servant, and the master is not liable for any act done or instructions given by the foreman in this respect. (64 App. Div., 63.)

Unconstitutionality of Statute Requiring Injured Person to File Notice of Claim for Damages.—A decision given by the Appellate Division, Second Department, at the October Term, has an indirect bearing on the subject of employers' liability, inasmuch as bills for defining the liability of employers usually require actions for damages on account of personal injuries to be begun within a prescribed period and also notice of the injury to be given to the defendant. These provisions are found in the charters of municipal corporations and a section of the charter of the village of Port Jervis (Laws of 1896, ch. 529, sec. 82) provides that no action shall be maintained against said village to recover damages for personal injuries resulting from negligence "unless notice of intention to commence such action and of the precise time and place at which the injuries were received shall have been filed with the clerk of the village within forty-eight hours after such cause of action shall have accrued."

The court holds that the requirement to give such notice is equivalent to requiring the action itself to be commenced within forty-eight hours; and that as the effect of the injuries may not develop within that time, or the person injured may not be capable of signing papers or authorizing legal proceedings, such requirements might work to deprive a citizen of his right of action guaranteed by the constitution (Art. I, sec. 18), and also deprive him of property (the value of his claim for damages) without due process of law. Hence it is unconstitutional.

The decision is unanimous and Judge Woodward's opinion is concurred in by the other justices with the exception of Judge Hirschberg, who files a memorandum. In summarizing the authorities, Justice Woodward says (*Barry vs. Village of Port Jervis*, 64 App. Div. 287):

"The plaintiff could not be lawfully deprived of his property in the right of action which accrued to him by reason of the negligence of the defendant without a hearing according to the rules of the law, or without a sufficient lapse of time and neglect of action to warrant the court in holding that he had waived his rights. A statute, fixing an arbitrary time, without any reference to the condition of the plaintiff, is not due process of law. He must have an opportunity to be heard, and this opportunity cannot be limited in such a manner as to defeat his rights without any volition on his part, or any neglect of that reasonable diligence which a suitor is bound to exercise in pursuit of his rights. The question of what is reasonable time must be answered in view of all the facts surrounding the plaintiff at the time of the accident and subsequent thereto, and is not to be decided with reference to the bare fact as to whether sufficient time was allowed for a swift individual to make out the papers and, setting out at once, find and serve upon the defendant the process necessary to commence the action. (*Parmenter vs. State*, 135 N. Y. 154, 167.)"

APPENDIX.

TABLES OF RETURNS FROM LABOR ORGANIZATIONS.

Third Quarter of 1901.

- I. AMOUNT AND CAUSES OF UNEMPLOYMENT:
 - a. NEW YORK CITY.
 - b. OTHER TOWNS AND CITIES.
 - c. NEW YORK STATE.
 - II. NUMBER OF DAYS WORKED:
 - a. NEW YORK CITY.
 - b. OTHER TOWNS AND CITIES.
 - c. NEW YORK STATE.
 - III. QUARTERLY EARNINGS:
 - a. NEW YORK CITY.
 - b. OTHER TOWNS AND CITIES.
 - c. NEW YORK STATE.
 - IV. NUMBER AND MEMBERSHIP.
-

TABLE I.—AMOUNT AND CAUSES OF

[Third

GROUPS OF INDUSTRIES AND TRADES.	Sex.	IDLENESS DURING ENTIRE QUARTER.		
		Members report- ing.	Number thereof idle.	Per cent idle.
I. Building, Stone Working, Etc.	M	62,571	1,169	1.9
Stone working.....	M	4,987	10	0.2
Building and paving trades.....	M	44,014	1,159	2.6
Building and street labor.....	M	13,570	.....	.....
II. Clothing and Textiles	M	26,060	1,792	6.8
.....	F	6,310	600	7.5
Garments.....	M	23,781	1,696	6.8
.....	F	6,729	600	7.4
Hats, caps and furs.....	M	1,308	.....	.....
.....	F	75	.....	.....
Boots, shoes, gloves, etc.....	M	412	45	10.9
.....	F	6	.....	.....
Shirts, collars, cuffs and laundry.....	M	557	51	9.1
III. Metals, Machinery and Shipbuilding	M	17,021	243	1.4
.....	F	20	10	60.0
Iron and steel.....	M	7,833	49	0.6
.....	F	1,783	115	6.6
Metals other than iron and steel.....	M	20	10	60.0
Engineers and firemen.....	M	6,001	65	1.0
Shipbuilding.....	M	1,464	14	1.0
IV. Transportation	M	10,897	315	2.9
.....	F	2	.....	.....
Railroads.....	M	2,780	28	1.0
.....	F	2	.....	.....
Street railways.....	M	3,000	.....	.....
Coach drivers, etc.....	M	823	65	7.9
Seamen, pilots, etc.....	M	450	100	22.2
Freight handlers, truckmen, etc.....	M	3,834	121	3.2
V. Printing, Binding, Etc.	M	18,948	927	6.7
.....	F	430	29	6.0
VI. Tobacco	M	4,280	96	2.3
.....	F	2,542	91	3.6
VII. Food and Liquors	M	4,781	143	3.0
Food preparation.....	M	2,391	85	3.6
Malt liquors and mineral waters.....	M	2,340	58	2.5
VIII. Theaters and Music	M	9,072	1,079	11.9
.....	F	453	144	31.8
IX. Wood Working and Furniture	M	5,770	101	1.8
X. Restaurant and Retail Trade	M	1,288	.....	.....
.....	F	510	.....	.....
Hotels and restaurants.....	M	658	.....	.....
Retail trade.....	M	580	.....	.....
.....	F	510	.....	.....
XI. Public Employment	M	6,908	29	0.6
XII. Miscellaneous	M	978	2	0.2
Glass.....	M	317	2	0.6
Barbering.....	M	183	.....	.....
Other distinct trades.....	M	474	.....	.....
GRAND TOTAL	M	163,419	5,836	3.6
.....	F	10,418	774	7.4
.....	T	173,837	6,610	3.8

UNEMPLOYMENT: (a) NEW YORK CITY.

Quarter, 1901.]

IDLENESS ON THE LAST DAY OF THE QUARTER.

NUMBER OF MEMBERS IDLE BECAUSE OF—								Total idle.	Members report- ing.	Per cent idle.
Lack of work.	Weather	Strike or lockout.	Lack of material.	Sick- ness.	Old age.	Other specified causes.	Un- known causes.			
2,860	100	283	1,026	194	21	60	5	4,549	62,571	7.3
13			10	33				56	4,987	1.1
2,808	91	255	906	158	11	58	5	4,290	44,014	9.7
39	9	28	110	3	10	4		203	13,570	1.5
730		1,188		101	81	6	51	2,157	26,060	8.3
201		236		118		47		596	6,810	8.8
730		1,143		101	81	6		2,061	23,783	8.7
201		236		118		47		596	6,729	8.9
									1,308	
									75	
		45						45	412	10.9
									6	
							51	51	557	9.1
592	5	136	20	37	15	47	13	865	17,021	5.1
10								10	20	50.0
228		90	10	21	2	42		391	7,823	5.0
143			10	6	5			169	1,733	9.8
10								10	20	50.0
73				5			13	91	9,001	1.5
150	5	46		5	8			214	1,464	1.5
563				76	1	25		664	10,013	6.6
10				35	1	19		65	2,780	2.3
									3	
									3,000	
75						6		81	833	9.7
106								100	450	22.0
377				41				418	2,950	14.2
740		6		185	123	43		1,007	13,943	7.8
27		2		4				29	430	6.0
71	30	20	6	55	33			215	4,280	5.1
36		7	41	60	5	1		160	1,543	6.4
246				30	13	17	2	308	4,781	6.5
173				25	13	17		228	2,391	9.5
73				5			2	80	2,340	3.4
1,419								1,419	5,572	25.5
144								144	465	3.2
313				86	27	8	1	434	5,770	7.5
42				2				44	1,238	3.6
16								16	310	5.2
37				2				39	658	5.0
5								5	580	0.9
16								16	310	5.2
				61	2	3		66	6,908	1.0
3						2		5	978	0.5
						2		2	317	0.6
3								3	183	1.6
									478	
7,577	135	1,633	1,052	827	316	211	72	11,823	159,035	7.4
430		245	41	163	5	45		945	10,413	9.1
8,007	135	1,878	1,093	1,009	321	253	72	12,768	169,453	7.5

TABLE I.—AMOUNT AND CAUSES OF UNEMPLOYMENT:

[Third

GROUPS OF INDUSTRIES AND TRADES.	Sex.	IDLENESS DURING ENTIRE QUARTER.		
		Members report- ing.	Number thereof idle.	Per cent. idle.
I. Building, Stone Working, Etc.	M	22,309	288	1.3
Stone working	M	1,260	4	0.3
Brick and cement making	M	515	2	0.4
Building and paving trades	M	19,153	270	1.4
Building and street labor	M	1,881	7	0.5
II. Clothing and Textiles	{ M	5,659	59	1.0
	{ F	5,862	108	3.5
Garments	{ M	1,572	5	0.3
	{ F	1,286	64	5.3
Hats, caps and furs	{ M	433	—	—
	{ F	120	—	—
Boots, shoes, gloves, etc.	{ M	1,632	—	—
	{ F	464	29	6.2
Shirts, collars, cuffs and laundry	{ M	993	18	1.8
	{ F	181	6	3.8
Textiles	{ M	1,029	36	3.5
	{ F	621	20	1.6
III. Metals, Machinery and Shipbuilding.	M	17,752	260	1.5
Iron and steel	M	13,447	207	1.5
Metals other than iron and steel	M	620	31	5.0
Engineers and firemen	M	3,869	22	0.6
Shipbuilding	M	316	—	—
IV. Transportation	M	23,049	192	0.8
Railroads	M	14,424	132	0.9
Street railways	M	1,032	56	5.4
Coach drivers, etc.	M	423	—	—
Seamen, pilots, etc.	M	2,900	—	—
Freight handlers, truckmen, etc.	M	4,270	4	0.1
V. Printing, Binding, Etc.	{ M	3,116	61	2.0
	{ F	421	3	0.7
VI. Tobacco	{ M	3,472	58	1.3
	{ F	146	—	—
VII. Food and Liquors.	M	4,440	359	8.1
Food preparation	M	2,019	29	1.4
Malt liquors and mineral waters	M	2,421	330	13.6
VIII. Theaters and Music	{ M	1,149	113	9.7
	{ F	25	—	—
IX. Wood Working and Furniture	{ M	2,278	88	3.9
	{ F	23	—	—
X. Restaurant and Retail Trade	{ M	4,950	94	1.9
	{ F	192	1	0.6
Hotels and restaurants	M	2,214	40	1.8
Retail trade	{ M	2,736	54	2.0
	{ F	192	1	0.5
XI. Public Employment	{ M	1,199	—	—
	{ F	10	—	—
XII. Miscellaneous	M	5,250	56	1.1
Glass	M	377	42	11.1
Barbering	M	1,587	5	0.3
Other distinct trades	M	1,412	5	0.3
Mixed employment	M	1,924	4	0.2
GRAND TOTAL	{ M	94,623	1,618	1.7
	{ F	4,078	113	2.7
	{ T	98,701	1,730	1.8

(b) THE STATE OUTSIDE OF NEW YORK CITY.

Quarter, 1901.]

IDLENESS ON THE LAST DAY OF THE QUARTER.

NUMBER OF MEMBERS IDLE BECAUSE OF—								Total idle.	Members report- ing.	Per cent. idle.
Lack of work.	Weather	Strike or lockout.	Lack of material.	Sick- ness.	Old age.	Other specified causes.	Un- known causes.			
889	194	86	92	130	9	254	5	1,609	22,309	7.2
137	6			12	1	14	1	171	1,280	13.5
47				2				49	515	9.5
577	163	86	92	103	7	238	4	1,270	19,153	6.6
78	25			18	1	2		119	1,381	8.6
270		589	75	10	1	10		905	5,659	15.9
307		58		38		15		416	3,265	12.7
42			75	4	1			122	1,572	7.7
246				26				272	1,926	14.1
								433		
								120		
135				1				136	1,632	8.3
27				6		13		46	464	9.9
14		533		1				548	993	55.2
4		58		1				63	151	48.1
79		6		4		10		99	1,029	9.6
30				5				35	681	5.6
385	1	162	89	52	6	24	4	723	17,765	4.1
337	1	154	56	48	6	24	4	634	13,457	4.7
3		1	30	1				35	621	5.6
45		3	3	3				54	3,371	1.6
								316		
512		146		158	18	86		920	22,169	3.9
92				65	17	58		232	14,424	1.6
18		51			1	1		71	1,032	6.8
								423		
350				75		25		450	2,900	15.5
52		95		18		2		167	4,390	3.8
75				8		4		87	3,116	2.8
30								30	421	7.1
59				10	16	4		89	3,472	2.5
10				1				11	146	7.5
357		26		13	1	7		404	4,609	8.8
29		26		8	1	5		69	2,188	3.1
328				5		2		335	2,421	13.8
147		9			3			159	1,149	13.8
2								2	25	8.0
57		65		8				120	2,278	5.7
								22		
133				8		5		146	5,014	2.9
				1		2		3	192	1.5
77				2				79	2,278	8.4
56				6		5		67	2,736	2.4
				1		2		3	192	1.5
				2				2	1,217	0.2
								10		
69	38	4		28		20	4	213	5,285	4.0
1	73			2		10		86	377	22.7
8				3		3		14	1,538	0.9
2		4		1		7	4	18	1,446	1.2
58	15			22				95	1,924	4.9
2,903	283	1,037	256	427	54	414	13	5,387	95,042	5.7
349		43		40		15		462	4,073	11.3
3,252	283	1,095	256	467	54	429	13	5,849	99,120	5.9

TABLE I.—AMOUNT AND CAUSES OF

[Third

GROUPS OF INDUSTRIES AND TRADES.	Sex.	IDLENESS DURING ENTIRE QUARTER.		
		Members report- ing.	Number thereof idle.	Per cent idle.
I. Building, Stone Working, Etc.	M	84,880	1,452	1.7
Stone working.....	M	8,247	14	0.2
Brick and cement making.....	M	515	2	0.4
Building and paving trades.....	M	63,167	1,429	2.3
Building and street labor.....	M	14,951	7	0.05
II. Clothing and Textiles	M	31,719	1,781	5.6
	F	10,072	608	6.0
Garments.....	M	25,355	1,631	6.4
	F	8,656	664	6.5
Hats, caps and furs.....	M	1,741		
	F	195		
Boots, shoes, gloves, etc.....	M	2,044	45	2.2
	F	470	29	6.2
Shirts, collars, cuffs and laundry.....	M	1,550	69	4.5
	F	131	5	3.8
Textiles.....	M	1,029	36	3.5
	F	621	10	1.6
III. Metals, Machinery and Shipbuilding	M	34,772	508	1.4
	F	20	10	50.0
Iron and steel.....	M	21,270	256	1.2
Metals other than iron and steel.....	M	2,853	146	6.2
	F	20	10	50.0
Engineers and firemen.....	M	9,870	87	0.9
Shipbuilding.....	M	1,780	14	0.8
IV. Transportation	M	33,946	507	1.5
	F	5		
Railroads.....	M	17,204	180	0.9
	F	5		
Street railways.....	M	4,032	56	1.4
Coach drivers, etc.....	M	1,256	66	5.3
Seamen, pilots, etc.....	M	3,350	100	3.0
Freight handlers, truckmen, etc.....	M	8,104	125	1.5
V. Printing, Binding, Etc.	M	17,059	988	5.8
	F	901	32	3.6
VI. Tobacco	M	7,702	149	1.9
	F	2,488	91	3.7
VII. Food and Liquors	M	9,171	502	5.5
Food preparation.....	M	4,410	114	2.6
Malt liquors and mineral waters.....	M	4,761	388	8.1
VIII. Theaters and Music	M	10,221	1,192	11.7
	F	478	144	30.1
IX. Wood Working and Furniture	M	8,048	189	2.3
	F	22		
X. Restaurant and Retail Trade	M	6,185	94	1.5
	F	602	1	0.2
Hotels and restaurants.....	M	2,872	40	1.4
Retail trade.....	M	8,816	54	1.6
	F	602	1	0.2
XI. Public Employment	M	8,107	89	0.5
	F	10		
XII. Miscellaneous	M	6,228	58	0.9
Glass.....	M	694	44	6.3
Barbering.....	M	1,720	5	0.3
Other distinct trades.....	M	1,890	5	0.3
Mixed employment.....	M	11,824	4	0.2
GRAND TOTAL	M	258,042	7,464	2.9
	F	14,496	886	6.1
	T	272,538	8,340	3.1

UNEMPLOYMENT: (c) THE ENTIRE STATE.

Quarter, 1901.]

IDLENESS ON THE LAST DAY OF THE QUARTER.

NUMBER OF MEMBERS IDLE BECAUSE OF—

Lack of work.	Weather	Strike or lockout.	Lack of material.	Sick-ness.	Old age.	Other specified causes.	Un-known causes.	Total idle.	Members reporting.	Per cent idle.
3,699	294	269	1,118	324	80	314	10	6,158	84,880	7.2
150	6	.....	10	45	1	14	1	229	6,247	3.6
47	.....	.....	.....	2	.....	.....	.....	49	515	9.5
3,385	254	341	998	261	18	294	9	5,560	63,167	8.8
117	34	28	110	16	11	6	.....	322	14,961	2.3
1,000	.....	1,727	75	111	82	16	51	3,062	31,719	9.7
508	.....	294	.....	156	.....	54	.....	1,018	10,072	10.0
772	.....	1,143	75	105	82	6	.....	2,188	25,835	8.6
447	.....	230	.....	144	.....	41	.....	868	8,655	10.0
.....	.....	.....	.....	.....	.....	.....	.....	.....	1,741	.....
135	.....	45	.....	1	.....	.....	.....	181	195	.....
27	.....	.....	.....	6	.....	13	.....	46	2,044	8.9
14	.....	538	.....	1	.....	.....	51	599	470	9.3
4	.....	68	.....	1	.....	.....	.....	63	1,550	38.6
79	.....	6	.....	4	.....	10	.....	99	151	43.1
30	.....	.....	.....	5	.....	.....	.....	35	1,029	9.6
.....	.....	.....	.....	.....	.....	.....	.....	.....	621	5.6
977	6	298	109	89	21	71	17	1,588	34,786	4.6
10	.....	.....	.....	.....	.....	.....	.....	10	20	60.0
563	1	248	66	69	8	66	4	1,025	21,220	4.8
146	.....	1	40	7	5	5	.....	204	2,854	8.7
10	.....	.....	.....	.....	.....	.....	.....	10	20	60.0
118	.....	3	3	8	.....	.....	13	145	9,372	1.5
150	5	46	.....	5	8	.....	.....	214	1,780	12.0
1,074	.....	146	.....	224	19	111	.....	1,584	33,182	4.8
102	.....	.....	.....	100	18	77	.....	297	5	.....
18	.....	51	.....	.....	1	1	.....	71	17,204	1.7
75	.....	.....	.....	.....	.....	6	.....	81	4,032	1.8
450	.....	.....	.....	75	.....	25	.....	550	1,256	6.4
429	.....	93	.....	59	.....	2	.....	583	3,350	16.4
815	.....	6	.....	193	123	47	.....	1,184	7,340	8.0
53	.....	2	.....	4	.....	.....	.....	59	17,059	6.9
120	30	20	6	63	49	4	.....	304	901	6.5
46	.....	7	41	61	5	1	.....	161	7,702	2.9
603	.....	26	.....	43	14	24	2	712	2,488	6.5
202	.....	26	.....	33	14	22	.....	297	9,340	7.6
401	.....	.....	.....	10	.....	2	2	415	4,579	6.5
1,566	.....	9	.....	.....	3	.....	.....	1,578	4,761	8.7
146	.....	.....	.....	.....	.....	.....	.....	146	6,721	23.5
369	.....	65	.....	94	27	8	1	564	478	30.5
.....	.....	.....	.....	.....	.....	.....	.....	.....	22	.....
175	.....	.....	.....	10	.....	5	.....	190	8,048	7.0
16	.....	.....	.....	1	.....	2	.....	19	6,252	3.0
114	.....	.....	.....	4	.....	.....	.....	118	602	3.8
61	.....	.....	.....	6	.....	5	.....	72	2,936	4.0
16	.....	.....	.....	1	.....	2	.....	19	3,316	2.2
.....	.....	.....	.....	63	2	3	.....	68	502	3.8
72	88	4	.....	28	.....	22	4	213	8,125	0.8
1	73	.....	.....	2	.....	12	.....	88	10	.....
11	.....	.....	.....	3	.....	3	.....	17	626	12.7
2	.....	4	.....	1	.....	7	4	18	1,721	1.0
58	15	.....	.....	22	.....	.....	.....	95	1,924	0.9
10,480	418	2,670	1,308	1,254	370	625	85	17,210	1,924	4.9
779	.....	303	41	323	5	57	.....	1,407	254,077	6.8
11,259	418	2,973	1,349	1,476	375	682	85	18,617	14,496	9.7
.....	.....	.....	.....	.....	.....	.....	.....	.....	268,573	6.9

TABLE II.—NUMBER OF DAYS

[Third

GROUPS OF INDUSTRIES AND TRADES.	Sex.	NUMBER		
		1-9 days.	10-19 days.	20-29 days.
I. Building, Stone Working, Etc.....	M	3	410	287
Stone working.....	M		50	50
Building and paving trades.....	M	3	380	237
Building and street labor.....	M			
II. Clothing and Textiles.....	M		5	293
Garments.....	F		30	18
Hats, caps and furs.....	M			288
Boots, shoes, gloves, etc.....	F		30	18
Shirts, collars, cuffs and laundry.....	M			
III. Metals, Machinery and Shipbuilding.....	M		2	55
Iron and steel.....	F			51
Metals other than iron and steel.....	M			
Engineers and firemen.....	F			
Shipbuilding.....	M		2	4
IV. Transportation.....	M	2	1	156
Railroads.....	F			
Street railways.....	M	2	1	
Coach drivers, etc.....	F			
Seamen, pilots, etc.....	M			
Freight handlers, truckmen, etc.....	M			156
V. Printing, Binding, Etc.....	M	1	24	15
	F	1	2	4
VI. Tobacco.....	M			
	F			
VII. Food and Liquors.....	M	3	25	50
Food preparation.....	M	3	25	50
Malt liquors and mineral waters.....	M			
VIII. Theaters and Music.....	M		24	95
	F		17	23
IX. Wood Working and Furniture.....	M			1
X. Restaurant and Retail Trade.....	M			25
Hotels and restaurants.....	F			
Retail trade.....	M			25
XI. Public Employment.....	M		92	
XII. Miscellaneous.....	M			63
Glass.....	M			60
Barbering.....	M			3
Other distinct trades.....	M			
GRAND TOTAL.....	M	9	593	1,040
	F	1	49	33
	T	10	642	1,078

WORKED: (a) NEW YORK CITY.

Quarter, 1901.]

OF MEMBERS OF LABOR ORGANIZATIONS WHO WORKED—							Total number reporting.	Average number of days worked.
30-39 days.	40-49 days.	50-59 days.	60-69 days.	70-79 days.	80-89 days.	90 days or over.		
3,817	467	7,680	17,092	31,886	59	201	61,402	66
2	52	1,069	2,563	1,196			4,977	65
3,815	387	4,511	12,176	21,613	52	201	42,855	66
	28	2,100	2,348	9,087	7		18,570	67
5,261	3,300	6,478	3,259	5,747			24,838	54
870	744	408	2,263	1,978			6,310	61
5,288	3,155	6,330	3,135	4,011			22,157	52
886	744	368	2,262	1,973			6,229	61
				1,808			1,808	76
56		40					75	46
10	145		124	78			367	55
			6				6	64
13		143		350			506	69
294	277	679	1,725	11,055	358	2,328	16,773	75
				10			10	78
141	228	371	901	6,082			7,774	71
12	5	15	99	1,487			1,618	73
				10			10	78
74			230	2,964	358	2,303	5,931	82
67	44	293	495	522		25	1,450	64
1,480	387	679	631	882	400	5,972	10,520	75
						5	5	92
20	23		11	423	400	1,810	2,690	87
						5	5	92
						2,000	3,000	92
						752	767	92
						350	350	92
1,460	344	679	620	394		60	3,713	48
159	123	4,681	262	7,467	160	124	13,016	61
21	9	11	11	392			451	75
2	127	217	1,524	2,254	10		4,124	68
	335		931	995			2,251	64
69	2	24	334	3,672	65	303	4,547	75
57	2	24	124	1,777	30	173	2,265	75
12			210	1,895	35	130	2,282	76
40		300	229	3,295	500		4,493	74
				870			309	71
68	221	266	2,252	2,681			5,669	69
18		111	1	895		188	1,228	75
			5	305			310	77
18		111	1	315		188	658	73
				580			580	75
			5	305			310	77
				2,707	403	3,659	6,861	83
			50	508		60	976	73
				255			315	66
				120		60	183	81
			50	428			478	74
10,708	4,884	21,110	27,359	73,474	1,955	12,835	153,967	67
891	1,078	419	3,215	3,950		5	9,644	63
11,599	5,962	21,529	30,574	77,424	1,955	12,838	163,611	67

TABLE II.—NUMBER OF DAYS WORKED:

[Third

GROUPS OF INDUSTRIES AND TRADES.	Sex.	NUMBER OF		
		1-9 days.	10-19 days.	20-29 days.
I. Building, Stone Working, Etc.	M	8	16	89
Stone working	M		1	8
Brick and cement making	M			47
Building and paving trades	M	8	15	34
Building and street labor	M			
II. Clothing and Textiles	{ M	366	30	166
	{ F		27	27
Garments	{ M	6		145
	{ F			27
Hats, caps and furs	{ M			
	{ F			
Boots, shoes, gloves, etc.	{ M			
	{ F			
Shirts, collars, cuffs and laundry	{ M	360	30	
	{ F		27	
Textiles	{ M			21
	{ F			
III. Metals, Machinery and Shipbuilding	M	2	49	59
Iron and steel	M	2	49	58
Metals other than iron and steel	M			
Engineers and firemen	M			1
Shipbuilding	M			
IV. Transportation	M			270
Railroads	M			3
Street railways	M			
Coach drivers, etc.	M			
Seamen, pilots, etc.	M			
Freight handlers, truckmen, etc.	M			267
V. Printing, Binding, Etc.	{ M		2	8
	{ F			
VI. Tobacco	{ M			6
	{ F			
VII. Food and Liquors	M		2	5
Food preparation	M		2	4
Malt liquors and mineral waters	M		6	1
VIII. Theaters and Music	{ M		14	69
	{ F			
IX. Wood Working and Furniture	{ M			19
	{ F			
X. Restaurant and Retail Trade	{ M		2	
	{ F			
Hotels and restaurants	{ M		2	
Retail trade	{ M			
	{ F			
XI. Public Employment	{ M			2
	{ F			
XII. Miscellaneous	M	58	120	105
Glass	M	57	95	79
Barbering	M			
Other distinct trades	M	1		1
Mixed employment	M		25	25
GRAND TOTAL	{ M	434	242	798
	{ F		27	27
	{ T	434	269	820

(b) THE STATE OUTSIDE OF NEW YORK CITY.

Quarter, 1901.]

MEMBERS OF LABOR ORGANIZATIONS WHO WORKED—							Total number reporting.	Average number of days worked.
30-39 days.	40-49 days.	50-59 days.	60-69 days.	70-79 days.	80-89 days.	90 days or over.		
293	810	1,917	2,915	16,291	188	92	21,919	71
4	15	118	205	891	.....	.....	1,242	69
104	50	204	61	21	16	10	513	50
178	627	629	2,328	14,757	132	82	18,790	71
7	118	286	321	622	40	.....	1,374	67
159	170	215	678	3,823	.....	.....	5,602	65
45	95	180	424	2,547	.....	.....	5,145	70
22	48	183	251	904	.....	.....	1,559	65
12	8	148	29	1,641	.....	.....	1,865	72
.....	.....	6	25	402	.....	.....	438	75
.....	.....	.....	250	1,316	.....	.....	1,631	74
.....	65	.....	137	230	.....	.....	436	67
127	5	26	68	370	.....	.....	986	41
33	.....	.....	22	31	.....	.....	113	45
10	52	.....	79	831	.....	.....	993	71
.....	25	25	336	325	.....	.....	611	69
385	443	585	586	12,688	783	1,846	17,826	75
374	384	529	593	10,302	773	210	13,074	72
4	16	1	56	512	.....	.....	589	74
7	43	.....	62	1,588	10	1,636	3,347	83
.....	.....	5	23	286	.....	.....	316	75
55	464	327	2,092	7,383	1,070	10,479	22,140	83
1	26	97	1,067	4,804	443	7,753	14,214	86
.....	.....	40	.....	15	516	897	968	87
.....	.....	.....	.....	.....	.....	899	899	92
50	350	.....	700	.....	.....	1,800	2,900	79
4	88	190	805	2,564	111	130	3,659	70
10	45	35	115	2,767	32	42	3,051	76
1	27	.....	30	350	.....	.....	408	73
7	37	19	65	3,264	.....	.....	3,898	75
1	.....	1	5	139	.....	.....	146	75
1	28	11	20	3,482	2	518	4,076	79
1	2	1	14	1,678	2	280	1,953	79
.....	26	10	6	1,804	.....	238	2,091	79
114	30	.....	20	730	.....	20	997	66
1	18	.....	1	5	.....	.....	25	49
1	52	99	177	1,305	5	.....	2,158	73
.....	.....	.....	22	.....	.....	.....	22	64
2	3	20	18	3,694	.....	943	4,632	81
.....	.....	.....	.....	185	.....	.....	187	77
2	2	17	12	1,851	.....	289	2,175	80
.....	1	3	6	1,843	.....	654	2,507	81
.....	2	.....	.....	185	.....	.....	187	77
.....	.....	1	3	91	14	1,088	1,199	91
.....	.....	.....	.....	.....	.....	10	10	92
44	.....	25	308	3,938	6	101	4,705	72
.....	.....	.....	.....	.....	.....	.....	231	14
6	.....	.....	1	1,535	.....	.....	1,542	78
28	.....	.....	67	1,203	6	101	1,407	76
10	.....	25	240	1,200	.....	.....	1,525	71
1,071	2,082	2,504	6,942	59,956	2,100	15,129	91,253	76
48	148	181	432	3,026	.....	10	3,943	71
1,119	2,324	2,685	7,424	62,983	2,100	15,139	95,196	75

TABLE II.—NUMBER OF DAYS

[Third]

GROUPS OF INDUSTRIES AND TRADES.	Sex.	NUMBER OF		
		1-9 days.	10-19 days.	20-29 days.
I. Building, Stone Working, Etc.	M	11	426	376
Stone working.....	M	.....	51	58
Brick and cement making.....	M	.....	.....	47
Building and paving trades.....	M	11	375	271
Building and street labor.....	M	.....	.....	.....
II. Clothing and Textiles	M	366	25	459
Garments.....	F	6	57	39
Hats, caps and furs.....	M	.....	30	433
Boots, shoes, gloves, etc.....	F	.....	.....	39
Shirts, collars, cuffs and laundry.....	M	360	5	5
Textiles.....	F	.....	30	.....
III. Metals, Machinery and Shipbuilding	M	2	51	114
Iron and steel.....	F	2	49	109
Metals other than iron and steel.....	M	.....	.....	.....
Engineers and firemen.....	F	.....	2	1
Shipbuilding.....	M	.....	.....	4
IV. Transportation	M	2	1	426
Railroads.....	F	2	1	3
Street railways.....	M	.....	.....	.....
Coach drivers, etc.....	M	.....	.....	.....
Seamen, pilots, etc.....	M	.....	.....	.....
Freight handlers, truckmen, etc.....	M	.....	.....	423
V. Printing, Binding, Etc.	M	1	26	18
VI. Tobacco	F	1	2	4
VII. Food and Liquors	M	3	84	55
Food preparation.....	M	3	28	54
Malt liquors and mineral waters.....	M	.....	6	1
VIII. Theaters and Music	M	.....	48	164
IX. Wood Working and Furniture	F	.....	17	22
X. Restaurant and Retail Trade	M	.....	2	25
Hotels and restaurants.....	F	.....	.....	25
Retail trade.....	M	.....	2	.....
XI. Public Employment	F	.....	92	2
XII. Miscellaneous	M	58	120	163
Glass.....	M	57	95	139
Barbering.....	M	.....	.....	3
Other distinct trades.....	M	1	.....	1
Mixed employment.....	M	.....	25	25
GRAND TOTAL	M	443	835	1,833
	F	7	76	65
	T	444	911	1,898

WORKED: (c) THE ENTIRE STATE.

Quarter, 1901.]

MEMBERS OF LABOR ORGANIZATIONS WHO WORKED—							Total number reporting.	Average number of days worked.
30-39 days.	40-49 days.	50-59 days.	60-69 days.	70-79 days.	80-89 days.	90 days or over.		
3,610	1,277	8,897	20,007	48,177	247	298	88,321	67
6	67	1,187	2,773	2,077			6,219	66
104	50	204	61	21	16	10	513	50
3,493	1,014	5,140	14,504	36,370	184	283	61,645	68
7	166	2,868	2,669	9,709	47		14,944	67
5,420	3,470	6,688	3,982	9,570			29,940	56
915	839	588	3,692	4,325			9,455	64
5,280	3,203	6,513	3,386	4,915			23,716	53
847	768	516	2,291	3,619			8,094	64
		6	25	1,710			1,741	76
35		40		120			195	65
10	210		374	1,394			1,998	70
	68	7	145	230			442	67
140	5	169	68	720			1,492	51
33			22	31			113	45
10	52		79	831			993	71
	25	25	236	325			611	69
679	720	1,214	2,261	23,748	1,141	4,174	34,099	75
				10			10	72
515	612	900	1,294	16,384	773	210	20,848	72
16	21	16	155	1,999			2,207	73
				10			10	72
81	43		292	4,552	368	3,939	9,278	82
67	44	298	520	808		25	1,766	66
1,335	831	1,006	2,723	8,215	1,470	16,451	32,660	83
						5	5	92
21	49	97	1,098	5,227	843	9,563	16,904	86
						5	5	92
		40		15	516	3,397	3,968	91
				15		1,151	1,166	92
50	350		700			2,150	3,250	80
1,464	432	869	925	2,958	111	190	7,372	59
169	168	4,716	377	10,234	192	166	16,067	69
22	36	11	41	742			859	73
9	164	236	1,589	5,518	10		7,532	71
1	325	1	936	1,134			2,397	65
70	80	35	354	7,154	67	821	8,623	77
58	4	25	138	3,455	32	453	4,250	77
12	26	10	216	3,699	35	368	4,373	77
154	30	300	249	4,025	500	20	5,490	72
1	18		1	275			354	69
69	273	365	2,429	4,666	5		7,827	70
			22				22	64
20	3	131	19	4,589		1,131	5,920	79
	2		5	490			497	77
20	2	128	13	2,166		477	2,833	79
1	1	3	6	2,423		654	3,087	80
	2		5	490			497	77
		1	3	2,798	417	4,747	8,060	84
						10	10	92
44		25	358	4,741	6	161	5,691	72
				255			546	44
6			1	1,655		60	1,725	78
28			117	1,631	6	101	1,885	76
10		25	240	1,200			1,525	71
11,779	6,966	23,614	34,301	133,480	4,055	27,964	245,220	70
929	1,220	600	3,707	6,976		13	15,587	66
12,708	8,186	24,214	38,008	140,406	4,055	27,977	258,807	70

TABLE III.—QUARTERLY EARNINGS:

[Third

GROUPS OF INDUSTRIES AND TRADES.	Sex.	NUMBER OF MEMBERS				
		\$1 to \$24.	\$25 to \$49.	\$50 to \$74.	\$75 to \$99.	\$100 to \$124.
I. Building, Stone Working, Etc.	M	1	67	179	693	477
Stone working.....	M		25	25	52	2
Building and paving trades.....	M	1	42	154	641	237
Building and street labor.....	M					238
II. Clothing and Textiles	M	5	286	1,635	4,117	5,906
	F	30	213	1,299	2,428	1,458
Garments.....	M		281	1,625	3,929	5,896
	F	30	213	1,264	2,587	1,455
Hats, caps and furs.....	M			55	40	
	F					
Boots, shoes, gloves, etc.....	M	5	5	10	175	40
	F					3
Shirt, collars, cuffs and laundry.....	M				13	
III. Metals, Machinery and Shipbuilding	M		2	57	60	290
	F				10	
Iron and steel.....	M			50	47	140
	F			7	9	90
Metals other than iron and steel.....	M				10	
Engineers and firemen.....	M		2			
Shipbuilding.....	M				4	60
IV. Transportation	M	2	1		163	1,562
	F					3
Railroads.....	M	2	1			20
	F					3
Street railways.....	M					
Coach drivers, etc.....	M					
Seamen, pilots, etc.....	M					
Freight handlers, truckmen, etc.....	M				163	1,542
V. Printing, Binding, Etc.	M	1	8		51	117
	F	1	2	11	103	262
VI. Tobacco	M			524	516	1,282
	F			523	363	468
VII. Food and Liquors	M	16	12	18	52	204
	M	16	12	18	52	192
Food preparation.....	M					12
Malt liquors and mineral waters.....	M					
VIII. Theaters and Music	M	28	52	90	29	50
	F	13	14	10	6	
IX. Wood Working and Furniture	M			4	158	182
X. Restaurant and Retail Trade	M			129	62	101
	F			73	205	3
Hotels and restaurants.....	M			129	60	32
	M				2	49
Retail trade.....	F			73	205	3
XI. Public Employment	M			92		
XII. Miscellaneous	M			3	97	60
	M				60	
Glass.....	M			3		10
Barbering.....	M				37	50
Other distinct trades.....	M					
GRAND TOTAL	M	48	428	2,731	5,998	10,181
	F	44	229	1,986	3,115	2,167

(a) NEW YORK CITY.

Quarter, 1901.]

OF LABOR ORGANIZATIONS WHO EARNED—								Total number reporting earnings.	Average earnings.
\$125 to \$149.	\$150 to \$174.	\$175 to \$199.	\$200 to \$224.	\$225 to \$249.	\$250 to \$274.	\$275 to \$299.	\$300 or over.		
2,100 14 1,866 220	6,667 428 3,800 2,939	11,727 581 2,057 9,099	5,382 475 3,840 1,067	11,323 1,046 10,270 7	6,894 300 6,594	10,511 1,276 9,233	5,371 751 4,620	61,402 4,977 42,855 13,570	\$224 05 225 15 243 18 163 21
5,149 732 4,970 780 60	2,966 100 2,065 100 815	1,098 928 80	321 200 91	1,777 1,433 200	878 710 12	50 150 50	150	24,388 6,310 22,157 6,229 1,308 75 367 6 506	184 42 106 54 130 22 100 58 106 01 64 60 120 34 110 23 204 24
1,014 851 12 16 35	1,180 510 201 242 177	2,706 1,089 502 1,070 95	2,382 1,679 122 289 292	3,732 1,763 376 1,225 368	3,946 1,529 167 1,831 419	929 32 52 845 411	525 34 80 411 1,450	16,773 10 7,774 1,618 10 5,931 1,450	219 11 84 00 204 05 213 85 84 00 240 56 218 04
415 145 15 255	4,901 417 3,000 670 814	1,485 733 82	350 140	421 312	79 79	1,191 841	1,191 841	10,520 5 2,690 5 3,000 767 350 3,713	174 29 120 00 231 93 120 00 151 70 157 11 300 00 142 38
51 4	544 56	1,508 11	4,909 7	1,263 2	2,151 1	230 1	2,183 1	13,016 451	236 24 117 05
626 337	435 60	517 506	10	250	4	5	5	4,184 2,251	128 80 120 54
196 166 80	960 685 275	748 321 427	732 269 463	1,026 153 873	186 56 80	6 6	441 319 122	4,547 2,265 2,282	206 18 194 63 217 64
86			580	135		250	3,198 366	4,493 309	371 29 455 07
469 237 10 134 103 10	743 58 23 25 20	1,333 233 1 232 20	1,561 68 63	537 315 247 68	201 12 2 10	225 9 9	256 19 19	5,669 1,238 310 658 580 310	202 81 167 09 90 51 150 03 186 44 90 51
87 108 45 58	219 193 125 68	2,108 280 90 190	1,568	859 60 60	1,828 75		100 105 105	6,861 976 315 183 478	212 03 156 56 226 14 148 36 175 10
10,543 1,183	18,816 216	23,703 537	17,858 7	21,698 2	16,204 1	12,215	13,544 267	153,967 9,644	\$206 17 120 33

TABLE III.—QUARTERLY EARNINGS:

[Third

GROUPS OF INDUSTRIES AND TRADES.	Sex.	NUMBER OF MEMBERS OF				
		\$1 to \$24.	\$25 to \$49.	\$50 to \$74.	\$75 to \$99.	\$100 to \$124
I. Building, Stone Working, Etc.....	M	8	81	260	969	1,799
Stone working.....	M	.....	.....	1	8	147
Brick and cement making.....	M	.....	61	105	185	121
Building and paving trades.....	M	8	18	117	344	1,118
Building and street labor.....	M	.....	2	37	432	418
II. Clothing and Textiles.....	M	396	74	417	589	571
.....	F	57	463	659	999	740
Garments.....	M	6	56	212	193	224
.....	F	27	283	426	665	486
Hats, caps and furs.....	M	.....	.....	.....	.....	3
.....	F	.....	.....	.....	.....	180
Boots, shoes, gloves, etc.....	M	.....	.....	20	62	23
.....	F	.....	112	104	106	85
Shirts, collars, cuffs and laundry.....	M	390	18	149	21	39
.....	F	30	11	19	44	9
Textiles.....	M	.....	.....	36	263	282
.....	F	.....	52	110	184	170
III. Metals, Machinery and Shipbuilding	M	2	94	77	548	1,670
Iron and steel.....	M	2	94	72	504	1,503
Metals other than iron and steel.....	M	.....	.....	13	44	44
Engineers and firemen.....	M	.....	.....	5	31	98
Shipbuilding.....	M	.....	.....	.....	.....	25
IV. Transportation.....	M	226	80	367	453	3,154
Railroads.....	M	.....	4	.....	160	1,766
Street railways.....	M	.....	.....	.....	40	103
Coach drivers, etc.....	M	.....	.....	.....	.....	.....
Seamen, pilots, etc.....	M	.....	50	350	.....	700
Freight handlers, truckmen, etc.....	M	226	26	17	253	585
V. Printing, Binding, Etc.....	M	1	2	8	100	182
.....	F	.....	164	147	51	6
VI. Tobacco.....	M	.....	2	57	33	409
.....	F	.....	.....	9	46	60
VII. Food and Liquors.....	M	.....	12	5	246	508
Food preparation.....	M	.....	5	5	212	445
Malt liquors and mineral waters.....	M	.....	7	.....	34	63
VIII. Theaters and Music.....	M	.....	83	46	98	23
.....	F	.....	.....	.....	.....	1
IX. Wood Working and Furniture.....	M	.....	1	38	234	291
.....	F	.....	22	.....	.....	.....
X. Restaurant and Retail Trade.....	M	.....	2	30	94	820
.....	F	.....	1	115	33	23
Hotels and restaurants.....	M	.....	2	2	9	267
Retail trade.....	M	.....	.....	28	85	553
.....	F	.....	1	115	33	23
XI. Public Employment.....	M	.....	2	.....	3	2
.....	F	.....	.....	.....	2	1
XII. Miscellaneous.....	M	45	107	81	345	1,831
Glass.....	M	44	29	63	34	61
Barbering.....	M	.....	.....	7	.....	235
Other distinct trades.....	M	1	28	1	27	498
Mixed employment.....	M	.....	50	10	284	1,037
GRAND TOTAL.....	M	678	540	1,356	3,662	11,261
.....	F	57	650	930	1,131	820

(b) THE STATE OUTSIDE OF NEW YORK CITY.

Quarter, 1901.]

LABOR ORGANIZATIONS WHO EARNED—								Total number reporting earnings.	Average earnings.
\$125 to \$149.	\$150 to \$174.	\$175 to \$199.	\$200 to \$224.	\$225 to \$249.	\$250 to \$274.	\$275 to \$299.	\$300 or over.		
1,495	5,182	4,806	2,722	2,679	1,294	791	382	21,919	\$185 70
35	88	211	150	144	437	18	7	1,242	211 33
9	11	21						513	103 57
1,366	4,772	4,074	2,438	2,535	857	773	375	18,790	190 88
89	261		185					1,374	122 42
665	1,817	645	124	168	71		105	5,602	138 55
197	50							3,145	88 04
158	198	241	67	79	11		14	1,559	138 64
3	30							1,865	78 17
11	7	176		85	60		91	433	240 27
								120	115 50
242	1,220	4						1,631	153 31
29								456	76 67
84	164	110	7	4				968	83 51
								113	56 54
170	188	14	60					993	124 49
165								611	95 84
1,887	3,572	4,996	2,172	1,002	276	275	755	17,226	181 80
1,099	2,687	3,820	1,946	585	188	109	515	13,074	178 32
77	136	219		86	64			589	175 87
707	768	804	123	381	24	166	240	3,347	201 25
4	31	153	108					216	186 15
5,539	3,453	2,603	1,138	1,145	997	867	2,068	22,140	178 70
1,429	3,049	2,016	1,128	1,145	807	867	1,843	14,214	202 61
165	73	587						968	160 63
399								399	130 00
1,800								2,900	120 90
1,796	331		10		130		225	3,659	141 68
307	460	1,082	213	343	257	41	54	3,051	185 97
3	16	18		6				408	70 75
1,110	1,507	186	29	52	11	2		3,998	148 11
28	13							146	107 73
279	1,396	995	500	94	38	2	1	4,076	164 45
226	592	434	28	30	6	1	1	1,985	146 78
53	804	561	472	64	32	1		2,091	181 23
36	49	346		164	28	70	54	997	183 25
17	2	4					1	25	144 60
348	937	203	80	71	3		2	2,158	145 36
								22	42 16
1,038	1,336	909	53	154	179		67	4,682	158 14
19	3							187	78 01
413	871	450		106	20		35	2,175	162 69
625	465	459	53	48	159		32	2,507	154 19
19	3							187	78 01
118	100	22	527	63	348	5	14	1,199	210 76
3	3	3	1					10	141 25
1,079	784	234	94	51	49		5	4,705	127 42
								231	64 35
755	360	177		8				1,544	141 91
249	375	47	94	33	49		5	1,407	144 80
75	49	10		10				1,525	106 25
13,946	20,543	16,527	7,613	5,986	3,551	2,053	3,507	91,253	\$172 86
259	65	24	1	5			1	3,943	81 96

TABLE III.—QUARTERLY EARNINGS:

[Third

GROUPS OF INDUSTRIES AND TRADES.	Sex.	NUMBER OF MEMBERS OF				
		\$1 to \$24.	\$25 to \$49.	\$50 to \$74.	\$75 to \$99.	\$100 to \$124.
I. Building, Stone Working, Etc.....	M	9	148	489	1,662	2,276
Stone working.....	M		25	26	60	149
Brick and cement making.....	M		61	105	185	121
Building and paving trades.....	M	9	60	271	985	1,350
Building and street labor.....	M		2	37	432	656
II. Clothing and Textiles.....	M	401	860	2,052	4,656	6,477
	F	87	676	1,958	3,427	2,188
Garments	M	6	337	1,837	4,122	6,090
	F	57	501	1,690	3,052	1,881
Hats, caps and furs.....	M					3
	F			35	40	120
Boots, shoes, gloves, etc.....	M	5	5	30	237	63
	F		112	104	107	88
Shirts, collars, cuffs and laundry.....	M	390	18	149	34	39
	F	20	11	19	44	9
Textiles	M			36	263	282
	F		58	110	184	100
III. Metals, Machinery and Shipbuilding	M	2	96	184	608	1,960
	F				10	
Iron and steel.....	M	2	94	122	551	1,643
Metals other than iron and steel.....	M			7	22	134
	F				10	
Engineers and firemen.....	M		2	5	31	98
Shipbuilding	M				4	85
IV. Transportation	M	228	81	367	616	4,716
	F					5
Railroads	M	2	5		160	1,786
	F					5
Street railways	M				40	103
Coach drivers, etc.....	M					
Seamen, pilots, etc.....	M		50	350		700
Freight handlers, truckmen, etc.....	M	226	26	17	416	2,127
V. Printing, Binding, Etc.....	M	2	10	8	151	300
	F	1	166	158	154	267
VI. Tobacco	M		2	581	549	1,641
	F			942	409	508
VII. Food and Liquors.....	M	16	24	23	298	712
Food preparation.....	M	18	17	23	264	637
Malt liquors and mineral waters.....	M		7		34	75
VIII. Theaters and Music	M	23	135	186	127	73
	F	13	14	10	6	1
IX. Wood Working and Furniture	M		1	42	392	473
	F		22			
X. Restaurant and Retail Trade	M		2	159	156	921
	F		1	188	238	25
Hotels and restaurants	M		2	131	69	219
	M			28	87	602
Retail trade	F		1	188	238	25
XI. Public Employment.....	M		2	92	3	2
	F				2	1
XII. Miscellaneous.....	M	45	107	84	442	1,891
Glass	M	44	29	63	94	61
Barbering	M			10		245
Other distinct trades.....	M	1	28	1	64	548
Mixed employment.....	M		50	10	284	1,037
GRAND TOTAL.....	M	726	968	4,117	9,660	21,442
	F	101	879	2,866	4,946	3,367

(c) THE ENTIRE STATE.

Quarter, 1901.]

LABOR ORGANIZATIONS WHO EARNED—

\$125 to \$149.	\$150 to \$174.	\$175 to \$199.	\$200 to \$224.	\$225 to \$249.	\$250 to \$274.	\$275 to \$299.	\$300 or over.	Total number reporting earnings.	Average earnings.
3,595 45 9	11,799 516 11	16,048 792 21	8,105 622	14,002 1,180	8,188 737	11,802 1,296	5,758 758	88,821 6,219	\$218 96 222 39
3,232 309	8,072 3,200	6,131 9,099	6,278 1,202	12,805 7	7,451	10,006	4,995	513 61,645 14,944	108 57 227 24 159 46
5,814 979	4,788 130	1,743	455	1,945	949	50	255	29,940 9,465	185 19 98 39
5,128 783	2,263 130	1,269	267	1,512	721		164	23,716 8,094	130 78 100 39
71	822	256	91	285	72	50	91	1,741 195	196 84 96 98
261 31	1,323	44	30					1,998 448	147 25 77 12
184	207	180	7	148	156			1,492 115	124 46 66 54
170 166	168	14	60					993 611	124 49 95 84
2,901	4,702	7,702	4,554	4,734	4,222	1,204	1,280	34,099 10	199 90 84 00
2,050 59	3,147 837	4,859 721	3,625 122	2,348 412	1,717 231	141 52	549 80	20,848 2,207	186 66 203 73
723 39	1,010 208	1,874 248	412 395	1,806 368	1,855 419	1,011	651	9,278 1,766	226 38 212 33
6,004	8,354	4,088	1,488	1,566	1,076	867	3,259	32,660 3	177 28 180 00
1,574	3,466	2,749	1,268	1,457	886	867	2,684	16,904 3	207 28 180 00
165 414	8,073 670	587 82						3,968 1,166	153 95 147 89
1,800 2,051	1,145	620	220	109	190		350 225	3,250 7,372	140 18 142 03
354 7	1,004 71	2,590 29	5,122 7	1,606 7	2,408 1	271	2,237 1	16,067 859	226 70 96 06
1,746 365	1,942 73	703 506	39	302	15	7	5	7,532 2,397	137 51 119 76
475 392 83	2,356 1,277 1,079	1,743 755 988	1,232 297 935	1,120 183 937	174 62 112	8 7 1	442 320 122	8,623 4,250 4,373	186 45 172 28 200 23
122 17	49 2	346 4	580	299	28	320	3,252 267	5,490 354	337 14 431 83
817	1,680	1,556	1,591	608	204	225	258	7,827 22	186 97 42 16
1,275 22	1,394 3	1,142 20	116	469	191	9	86	5,920 497	160 01 85 81
547 728 22	904 490 3	451 691 20		343 116	22 169		85 51	2,833 3,087 497	159 76 160 25 86 81
200 2	319 2	2,180 2	2,095 1	922	2,176	5	114	8,060 10	211 84 141 25
1,180 800 307 75	977 485 443 49	514 90 177 237 10	94 60 8 94 10	111 60 8 33 10	124 124		110 105 5	5,681 546 1,725 1,885 1,525	137 58 157 82 142 60 152 48 106 25
24,489 1,892	39,359 281	40,230 561	25,471 8	27,684 7	19,755 1	14,268	17,051 268	245,220 13,587	\$193 78 109 69

TABLE IV.—NUMBER AND MEMBERSHIP OF UNIONS, SEPT. 30, 1901.

GROUPS OF INDUSTRIES AND TRADES.	NUMBER OF UNIONS.			Sex.	MEMBERSHIP OF UNIONS.		
	New York City.	Other towns.	New York State.		New York City.	Other towns.	New York State.
1. Build'g. Stone W'king, Etc.	175	840	515	M	62,681	22,720	85,401
Stone working	12	23	35	M	4,987	1,271	6,258
Brick and cement making .....	.....	8	8	M	.....	710	710
Building and paving trades	140	289	429	M	44,124	19,358	63,482
Building and street labor	23	20	43	M	13,570	1,381	14,951
2. Clothing and Textiles.....	50	100	150	M	26,060	5,666	31,726
Garments.....	36	38	74	F	6,810	3,847	10,157
Hats, caps and furs.....	7	6	13	F	23,783	1,573	25,355
Boots, shoes, gloves, etc.....	5	16	21	F	6,729	1,926	8,656
Shirts, collars, cuffs and laun-	.....	.....	.....	M	1,808	438	1,741
dry	2	18	20	F	75	120	195
Textiles.....	.....	22	22	M	412	1,632	2,044
.....	.....	.....	.....	F	6	549	555
.....	.....	.....	.....	M	557	993	1,550
.....	.....	.....	.....	F	.....	131	131
.....	.....	.....	.....	M	.....	1,036	1,036
.....	.....	.....	.....	F	.....	681	681
3. Metals, Machinery and Shipbuilding.....	88	245	333	M	17,021	18,521	35,542
Iron and steel.....	34	170	204	F	20	.....	20
Metals other than iron & steel	17	16	33	M	7,823	13,639	21,462
Engineers and firemen.....	27	54	81	M	1,733	621	2,354
Shipbuilding.....	10	5	15	F	20	.....	20
.....	.....	.....	.....	M	6,001	3,945	9,946
.....	.....	.....	.....	F	1,464	316	1,780
4. Transportation.....	42	198	240	M	10,897	23,471	34,368
Railroads	20	136	156	F	5	.....	5
Street railways	1	7	8	M	2,780	14,551	17,331
Coach drivers, etc.....	4	5	9	F	5	.....	5
Seamen, pilots, etc.....	1	1	2	M	3,000	1,083	4,083
Freight h'd'rs, truckmen, etc.	16	49	65	M	833	423	1,256
.....	.....	.....	.....	F	450	2,900	3,350
.....	.....	.....	.....	M	2,384	4,564	6,948
5. Printing, Binding, Etc.....	29	70	99	M	13,943	3,137	17,080
.....	.....	.....	.....	F	430	435	865
6. Tobacco	13	44	57	M	4,230	3,491	7,721
.....	.....	.....	.....	F	2,342	147	2,489
7. Food and Liquors.....	35	85	120	M	4,731	4,720	9,451
Food preparation	23	39	62	M	2,391	2,209	4,600
Malt liquors & mineral waters	12	46	58	M	2,340	2,511	4,851
8. Theaters and Music.....	13	25	38	M	9,072	2,107	11,179
.....	.....	.....	.....	F	453	56	509
9. Wood W'k'g & Furniture..	29	42	71	M	5,845	2,393	8,238
.....	.....	.....	.....	F	.....	22	22
10. Restaurant & Retail Trade	13	70	83	M	1,238	5,064	6,302
Hotels and restaurants	7	30	37	F	310	122	432
Retail trade.....	6	40	46	M	658	2,278	2,936
.....	.....	.....	.....	F	580	2,786	3,366
.....	.....	.....	.....	M	310	122	432
11. Public Employment.....	18	63	81	M	6,908	1,224	8,132
.....	.....	.....	.....	F	.....	10	10
12. Miscellaneous	10	84	94	M	978	5,403	6,381
Glass	3	12	15	M	317	377	694
Barbering.....	2	31	33	M	183	1,605	1,788
Other distinct trades.....	5	28	33	M	478	1,474	1,952
Mixed employment.....	.....	13	13	M	.....	1,949	1,949
GRAND TOTAL.....	515	1,366	1,881	M	163,604	97,919	261,523
.....	.....	.....	.....	F	10,418	4,800	14,618
.....	.....	.....	.....	T	174,022	102,719	276,741

STATE OF NEW YORK

DEPARTMENT OF LABOR

BULLETIN

1902

VOLUME IV
(Nos. 12-15)



ALBANY

J. B. LYON COMPANY, PRINTERS

1902

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EDITORIAL SUMMARY.

State of Employment. During the fourth quarter of 1901 only 4.6 per cent of 97,270 members of labor organizations in the State were idle as compared with 8.5 per cent for the same 188 unions in the corresponding period one year ago, when the idleness was less than it had been in any of the preceding years. Similarly the proportion of members idle at the end of December declined from 25.7 per cent in 1900 to 19.1 per cent in 1901, the decreased idleness being particularly noticeable in the building, clothing and baking trades. At the end of January, 1902, there was a small increase in unemployment in the building and furniture trades, which caused the average proportion of the unemployed in all trades and industries to rise to 20.9 per cent.

Building Operations. The favorable conditions of employment indicated by the reduced amount of idleness in the building trades unions are also revealed in the statistics of buildings authorized by the municipal building bureaus in the large cities. In New York City the number of buildings completed was 4,027 in the fourth quarter of 1901 as compared with 3,270 in the corresponding period of 1900, and the estimated cost of buildings for which plans were approved in the last quarter of 1901 was thirty-one million dollars as compared with twenty-two million dollars in 1900. From these figures it does not appear

that the new tenement-house law has seriously hampered building operations in Greater New York, as some have apprehended. Buffalo has recovered from the slight reaction following the Exposition, and the estimated cost of projected buildings in the three final months of 1901 far exceeded that for the parallel period in 1900 or 1899. The same statement applies to Rochester, while in Syracuse the figures of 1901 were inferior to 1900, but superior to 1898 and 1899.

Immigration. Immigration at the Port of New York has been increasing rapidly. The number of arrivals in the fourth quarter of 1901 was 93,628 as compared with 74,432 one year ago and 83,265 in the preceding quarter of 1901. The increase was 26 per cent over the fourth quarter of 1900 and 12 per cent over the third quarter of 1901. The people from Southern Italy retained the lead by contributing 26 per cent of the immigration, the Hebrews following with 11 per cent, the Germans with 10 per cent and the Poles with 9 per cent, whose proportional increase since 1900 was larger than that of any other nationality.

Industrial Disputes. The Bureau of Mediation and Arbitration recorded 16 trade disputes in the fourth quarter of 1901. None of these were on a large scale, the entire number of employees involved having been 2,281, in 46 establishments, and the aggregate number of working days lost having been only 24,300. Measured by days lost, the largest dispute was that of the Oneida cigar makers, which was adjusted, at the end of 33 days, by action of the International Cigar Makers' Union, the local branch having struck contrary to the rules of the union. On March 6, 1902, the controversy between the New York Sun newspaper and Typographical Union No. 6 and Stereotypers Union No. 1, which began August 5, 1899, was finally settled. And on February 12 a long-standing controversy between the bricklayers' organizations

and the sub-contractors on the New York City rapid transit tunnel, which had resulted in an extensive substitution of concrete for brick work in the plans, was adjusted through the intervention of the officers of the national union. The agreement provides for the arbitration of future disputes through a permanent joint committee of employers and workmen.

Agreements in the Printing Industry. The utility of these trade agreements and standing committees or commissioners is newly exemplified in the recent action of the American Newspaper Publishers' Association, which at the annual meeting in New York City in February voted to extend its agreement with the International Typographical Union for five years, from May 1st next. The report of the standing committee to consider labor problems showed that, since the appointment in 1900 of the special commissioner to look after the interests of the Association in the event of trade disputes, strikes have not occurred in any of the establishments controlled by its members, owing to the conciliatory methods pursued by that official. A five years' agreement is also being negotiated by the Association with the International Printing Pressmen and Assistants' Union.

A New Method of Arbitration. Notwithstanding the frequent success of these trade agreements for arbitration, many employers are unfavorably disposed toward them on the ground that the workmen can violate them with impunity. They demand that the unions shall first be incorporated so as to insure their legal responsibility. The unions, however, are at present unfavorably disposed toward that policy. Hence it is interesting to note the novel arrangement entered into by a firm of Brooklyn shoe manufacturers and its employees, which came into notice when the two parties to the agreement requested the Bureau of Mediation and Arbitration to arbitrate their differences. This agreement provided that each party

should post \$10,000 as a surety for the acceptance of an award made by arbitrators. The firm's guarantee was a bond for that amount; the employees' guarantee was a fund accumulated from a weekly 5 per cent assessment on wages. This fund, which at the time of the dispute mentioned amounted to about \$5,000, was held by the firm, who paid interest on it at the rate of 6 per cent. The dispute, which embraced three points or differences, was arbitrated by the Bureau of Mediation to the satisfaction of both parties.

**Joint
Investigating
Committees.**

Another innovation which should diminish the number of strikes and lockouts in this country has been introduced by agreement between the American Flint Glass Workers' Union and the manufacturers of glass bulbs. In the latter part of 1901 the union sought a 10 per cent advance in wages, which the manufacturers were not disposed to grant on the ground that they would then be unable to compete with European manufacturers in the making of glass bulbs for incandescent lamps. But the threatened dispute was averted by the simple agreement of both sides to send a joint commission to Europe and investigate the conditions of production in the European factories. The proposition came from the employers, and was accepted by the workers by a vote of four to one. Each party pays the expenses of its own representative, but the two commissioners are traveling and working together. If they find that foreign manufacturers can lay down glass bulbs in American markets at the American cost price, no advance in wages will be made; if they are not able so to do, the American manufacturers are to give a 10 per cent increase in wages, dating from December 1, 1901.

**Bureau of
Factory
Inspection.**

For the first time the BULLETIN contains a report of the quarter's work of the Bureau of Factory Inspection. It shows that 4,574 factories and bakeries and 1,370 tenement workrooms were inspected

in October, November and December, 1901. The number of applications for licenses to carry on work in tenements was 3,750, and the net increase in the number of licenses outstanding since the end of September was 2,426. At the end of the year the number of licenses in force was 31,213, of which 22,387 were in New York City. The number of accidents reported to the Bureau in the fourth quarter of 1901 was 762. There were 15 fatal accidents, the majority of which occurred either in connection with elevators or with shafting.

WAGES

Wages in 1900 and 1901. A new feature in the 1901 report of the Bureau of Labor Statistics, which is summarized in the BULLETIN, is a table showing the increases and decreases in 1901 in the rates of wages of members of labor organizations. The increases vastly preponderated over the decreases, 47,585 persons having obtained advances as compared with 2,668 who sustained losses. The average per capita weekly gain of the former was \$1.97 and loss of the latter \$2.67. The net result of all the changes was that these 50,253 members of labor unions gained a weekly addition to their wages of \$86,807, which is equivalent to an advance of \$1.73 each per week.

OTHER FACTS

Other Facts from the Annual Report. The BULLETIN contains a number of additional summary tables from the first annual report of the Department, which itself requires considerable time for printing. Among these are tables showing the number of factories, and persons employed in factories, in the various cities of the State and in the State's leading industries; number of sweat-shops and workers in tenements; number of strikes and lockouts, etc.

JUDICIAL DECISIONS

Judicial Decisions. No decision of particular importance to the interests of working-people has lately been rendered by New York courts. The county judge of Orange

county has indeed held the eight-hour law unconstitutional, but that court has purely local authority. In Kansas, however, the highest court has sustained an eight-hour law similar to that of New York.

**Pension
System
Established
in New York.**

The first large-scale system of pensions for superannuated employees in this State has been established by the Metropolitan Street Railway of New York City. At the age of 70 years, employees will be retired on pension, those who have been in the service of the company 25 years receiving 25 per cent of their wages and for 35 years' service a pension amounting to 40 per cent of wages.

**Compulsory
Arbitration.**

The BULLETIN publishes extracts from a letter of a prominent trade union official of New Zealand in which he holds that the compulsory arbitration act "has done a lot for unionism, and although there are some things that could be improved upon, the unionists of the colony are very solid for retaining it on the statute book." It may be added that the colony of New South Wales recently sent a commissioner to New Zealand to investigate the workings of the act and that his report was upon the whole so favorable that New South Wales has also enacted a compulsory arbitration law. The Massachusetts Labor Bulletin of November, 1901, reprinted the larger part of the report of the New South Wales commissioner, which is undoubtedly the most discriminating study of the New Zealand act that has as yet been published.

EMPLOYMENT IN THE FOURTH QUARTER OF 1901.

Returns from 188 labor unions with an aggregate membership of 97,270 indicate that employment was more general in October, November and December in 1901 than in the same months of preceding years. The number of members idle during the entire quarter was 4,429, or 4.6 per cent as compared with 8.5 per cent in 1900, while the number idle at the end of December, 1901, was 18,593, or 19.1 per cent of all members as compared with 25.7 at the end of December, 1900.

At the end of January, 1902, the number unemployed had slightly increased, being 20,115, or 20.9 per cent of the membership at that date.

The statistics are given in Table 1, on page 56, for the various industries and trades arranged under the usual headings. The following summary of that table includes the essential items under the twelve groups or classes of industries:

TABLE 1.
UNEMPLOYMENT IN 188 REPRESENTATIVE UNIONS.

	Number idle December 31, 1901.	During fourth quarter		At end of December		At end of January 1902.
		1900.	1901.	1900.	1901.	
1. Building, stone working.....	1,076	10.1	3.8	35.3	27.5	33.6
2. Clothing and textiles.....	1,489	16.6	7.5	47.2	34.2	19.2
3. Metals, machinery, etc.....	113	1.0	1.0	11.2	8.5	7.5
4. Transportation	599	5.3	4.6	17.1	18.4	23.7
5. Printing	786	7.7	7.8	10.3	8.8	12.2
6. Tobacco	83	1.5	1.5	12.8	14.6	4.4
7. Food and liquors	140	17.1	4.3	20.6	9.8	8.2
8. Theaters and music	15	0.0	1.8	9.9	10.3	13.4
9. Woodworking	43	7.1	1.8	11.0	18.6	32.6
10. Restaurants	60	1.0	3.0	14.7	11.3	7.6
11. Public employment.....	65	0.0	3.5	12.8	3.5	3.7
12. Miscellaneous	10	9.2	.8	22.2	18.0	22.4
Total	4,429	8.5	4.6	25.7	19.1	20.9

This table shows that more than one-half the unemployed are in the building and clothing trades unions (Groups I and II), and that the general averages for all trades really depend upon the fluctuations in these two groups. The percentage of idleness throughout the quarter declined from 10.1 in 1900 to 3.8

in 1901 in the building trades, and from 16.6 to 7.5 in the clothing trades, and the result is a diminution in the aggregate from 8.5 to 4.6. Similarly the percentage of idleness at the end of December, 1900 and 1901, fell from 35.3 to 27.5 in the building trades and from 47.2 to 24.2 in the clothing trades; the decline in all industries was at the same time from 25.7 to 19.1. At the end of January, it had risen to 20.9, which was due to increased idleness in the building, transport and furniture trades.

The causes of idleness at the end of January were principally slack work or unfavorable weather, thus:

TABLE 2.
CAUSES OF IDLENESS AT THE END OF JANUARY, 1902.

	Number idle.	Proportion of each cause in total.
Slack work.....	9,369	46.1
Weather or lack of materials.....	8,755	42.8
Sickness, accident, old age.....	1,456	7.3
Strike or lockout.....	181	.7
Other causes.....	504	2.1
	<hr/> 20,115	<hr/> 100

Of the 8,755 unionists idle on account of the season, 4,879 are in the building trades and 2,800 are in a union of seamen on the great lakes; many, if not most of the latter doubtless find employment in other occupations during the winter when lake navigation is closed. The same statement will apply to a certain number of unemployed workingmen of other trades whose whereabouts may be unknown to the secretary of their union.

These statistics, which are derived from reports from 188 representative unions are not directly comparable with the statistics for the years 1897-99 based on quarterly reports from all unions. This is due partly to the fact that the various trades are not represented in precisely the same proportions in the two sets of returns. Thus the following table shows that the clothing and typographical trades (Groups II and V) are more heavily represented in the statistics of the 188 selected unions than in those of all the unions.

TABLE 3.
COMPARISON OF ALL UNIONS AND 188 SELECTED UNIONS AT THE END OF DECEMBER, 1900.

GROUP.	MEMBERS REPORTING.				UNEMPLOYED.				MEMBERSHIP IN SEPTEMBER, 1901.	
	NUMBERS.		PROPORTION OF EACH TRADE IN TOTAL.		NUMBERS.		PROPORTION IN TOTAL.			
	All unions.	Selected unions.	All unions.	Selected unions.	All unions.	Selected unions.	All unions.	Selected unions.	All unions.	Selected unions.
I.....	67,840	26,901	30.1	32.	21,573	9,486	43.9	43.8	30.9	29.3
II.....	26,911	18,093	12.	15.6	9,914	6,184	20.2	28.6	15.2	19.6
III.....	31,687	10,434	14.2	12.4	8,689	1,185	7.5	5.4	12.9	12.4
IV.....	29,483	10,897	13.2	12.4	6,408	1,781	13.0	8.3	13.4	13.7
V.....	17,290	9,604	7.7	11.4	1,444	992	2.9	4.6	6.5	10.2
VI.....	10,708	2,342	4.8	2.8	1,943	300	4.0	1.4	3.7	2.2
VII.....	9,875	3,136	4.2	3.7	1,306	646	3.7	3.0	3.4	3.2
VIII.....	6,853	1,014	2.8	1.2	461	100	.9	.5	4.3	1.2
IX.....	8,663	2,445	8.9	2.9	925	269	1.9	1.2	3.0	2.8
X.....	5,183	1,979	2.3	2.4	508	290	1.0	1.3	2.5	2.1
XI.....	6,486	1,724	3.9	2.1	374	220	.6	1.0	3.0	1.9
XII.....	4,199	962	1.9	1.1	675	318	1.4	1.0	3.3	1.5
Total..	223,642	84,061	100	100	49,110	21,650	100	100	100	100

The difference between the two sets of returns is, however, relatively small, so far as the membership at the latest date (September 30, 1901) is concerned. But the selected unions contain a rather larger percentage of the unemployed than of the membership. This is notably the case in the clothing trades; here the 26 selected unions contained 50 per cent of all the members in the organizations of this industry at the end of December, 1900, and at the same time 62 per cent of all the unemployed members of those organizations. At the same date the entire 188 selected unions contained 44 per cent of all the unemployed as compared with 38 per cent of the entire membership. These facts indicate that the selection of the larger unions, which are chiefly in New York City, somewhat exaggerates the amount of idleness. The following comparison will show the trades in which such overemphasis occurs:

TABLE 4.
IDLENESS AT END OF DECEMBER, 1900.

	ALL UNIONS.			Selected unions, State.
	New York City.	Up-State.	State.	
I. Building, etc.....	32.8	30.2	32.0	35.3
II. Clothing, etc.....	42.5	23.8	36.8	47.3
III. Metals, etc.....	10.2	12.9	11.6	11.2
IV. Transportation.....	23.3	30.8	21.7	17.1
V. Printing, etc.....	9.1	5.2	8.4	10.3
VI. Tobacco.....	9.5	35.9	18.2	12.8
VII. Food and liquors.....	14.1	13.8	13.9	20.6
VIII. Theaters and music.....	5.4	13.9	7.3	9.9
IX. Woodworking, etc.....	8.2	16.0	10.7	11.0
X. Restaurants, etc.....	20.6	5.7	9.7	14.7
XI. Public employment.....	4.9	0.6	4.2	13.8
XII. Miscellaneous.....	38.8	11.6	16.1	22.2
Total.....	23.4	19.8	22.0	25.7

It will be observed that the percentages of idleness in the 188 selected unions usually follow those of all unions in New York City rather than the interior towns, an exception being the transport trades (Group IV); and in Groups III, VIII, IX, the percentage for the selected unions is nearer the average for the State than for either New York City or "up-State." In one or two instances, the percentage of idleness in the selected unions is larger than it is for all unions in either New York City or the remainder of the State.

It is now plain why the percentage of idleness in the selected unions cannot be directly compared with that for all unions in years previous to 1900. Such comparison will have to be an indirect one, thus:

TABLE 5.
NUMBER AND PERCENTAGE OF THE UNEMPLOYED.

Year.	DURING ENTIRE QUARTER.		AT THE END OF DECEMBER.	
	Number.	Per-centage.	Number.	Per-centage.
<i>A. All unions:</i>				
1897.....	10,132	5.8	39,333	23.6
1898.....	15,477	5.9	46,603	26.7
1899.....	10,238	4.6	41,698	19.4
1900.....	10,484	4.4	49,110	22.0
<i>B. 188 selected unions:</i>				
1900.....	7,199	8.5	31,650	25.7
1901.....	4,429	4.6	18,593	19.1

It is clear from these figures that there was less idleness in 1900 than in the corresponding period in the three preceding years; and as it is equally clear that there was considerably less idleness in 1901 than in 1900, it follows that, as respects conditions of employment in the last three months of the year, 1901 was the best year that we have had in recent times—at least since the panic of 1893.

STATISTICS OF BUILDING OPERATIONS.

I. New York City.

Continued activity in operations is indicated in the statistical returns for the final quarter of 1901. Though a decline was reported in the number of buildings projected, in comparison with the corresponding three months of 1900, the amount involved in the enterprises was \$8,816,612 more than the recorded cost of those planned in the previous year.

During the quarterly term considered in 1901 there was a falling off of 406 in the number of buildings commenced, as compared with the same time in 1900. The decrease was in October and November, but in December a decided improvement was shown, the increase over that month in the preceding year having been 108 buildings.

As to the number of structures completed, the figures for the closing quarter of last year exhibit a gain of 757 over the 1900 period.

NEW AND REMODELED BUILDINGS FOR WHICH PLANS WERE APPROVED, THEIR ESTIMATED COST, AND THE NUMBER COMMENCED AND COMPLETED DURING OCTOBER, NOVEMBER AND DECEMBER, 1900 AND 1901.

MONTHS.	NUMBER OF BUILDINGS.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS			
					COMMENCED.		COMPLETED.	
	1900.	1901.	1900.	1901.	1900.	1901.	1900.	1901.
<i>I. New Buildings:</i>								
October.....	656	600	\$7,359,578	\$10,260,374	816	618	602	625
November.....	573	454	5,290,771	8,132,886	746	541	470	793
December.....	532	618	7,689,980	7,622,468	457	599	596	886
Total.....	1,761	1,672	\$20,340,329	\$26,015,228	2,047	1,758	1,668	2,284
<i>II. Alterations:</i>								
October.....	563	489	\$545,247	\$1,085,848	543	523	568	512
November.....	401	332	345,832	585,878	459	366	524	646
December.....	385	385	637,679	3,098,860	305	301	510	585
Total.....	1,349	1,206	\$1,528,758	\$4,770,586	1,307	1,190	1,602	1,743
<i>III Total of New Buildings and Alterations:</i>								
October.....	1,219	1,089	\$8,004,825	\$11,346,222	1,357	1,141	1,170	1,137
November.....	974	786	5,636,703	8,718,764	1,205	907	994	1,439
December.....	895	1,008	8,327,659	10,721,318	762	900	1,106	1,481
Total.....	3,087	2,873	\$21,969,187	\$30,785,799	3,324	2,948	3,270	4,027

II. Buffalo, Rochester and Syracuse.

Buffalo.—As far as indicated by the filing of plans for building permits, Buffalo's building operations were not seriously interrupted by the Pan-American Exposition. During the early summer the undertakings were indeed small, and alterations planned are still insignificant. But since August the cost, if not the number, of the new buildings projected has exceeded that in 1899 and 1900, with the exception of one month; in November, 1900, the plans filed for the Albright Art Gallery showed a cost of \$370,000, which considerably increased the figures for that month, thus:

BUFFALO—OCTOBER, NOVEMBER AND DECEMBER.

	NUMBER OF PERMITS.			ESTIMATED COST OF BUILDINGS.		
	1899.	1900.	1901.	1899.	1900.	1901.
<i>New Buildings:</i>						
October	135	55	55	.....	\$159,833	\$318,111
November	76	48	54	.....	857,440	536,809
December	108	57	78	.....	468,760	1,153,744
Total	330	160	187	.....	\$590,546	\$1,908,164
<i>Alterations:</i>						
October	35	52	30	.....	\$63,925	\$37,954
November	28	29	25	.....	33,110	25,730
December	30	37	27	.....	106,533	24,740
Total	93	118	82	.....	\$99,777	\$202,573
<i>New Buildings and Alterations:</i>						
October	170	107	85	.....	\$223,758	\$341,065
November	104	77	79	.....	890,550	562,029
December	139	94	105	.....	575,368	1,178,464
Total	413	278	269	.....	\$690,323	\$1,981,578

Rochester.—The statistics published in the December BULLETIN revealed a notable increase in building operations in the third quarter of 1901 as compared with previous years; while in the fourth quarter the aggregate cost of projected buildings slightly declined, it still exceeded the record of 1898-1900, as shown below:

ROCHESTER—FOURTH QUARTER, 1898-1901.

	NUMBER.				ESTIMATED COST.			
	1898.	1899.	1900.	1901.	1898.	1899.	1900.	1901.
New buildings	125	112	101	144	\$357,484	\$241,537	\$301,230	\$570,008
Remodeled buildings.	23	32	35	48	18,150	41,380	25,340	58,533
Total	148	144	136	192	\$405,634	\$283,907	\$326,460	\$628,533

Syracuse.—In Syracuse the records for the fourth quarter of 1898-1901 show that the latest period compares favorably with previous years, save 1900, which was exceptional:

SYRACUSE—FOURTH QUARTER, 1898-1901.

	NEW BUILDINGS.		ADDITIONS AND ALTERATIONS.		TOTAL.	
	No.	Cost.	No.	Estimated cost.	No.	Cost.
October.....	28	\$268,730	30	\$16,660	58	\$285,390
November.....	20	75,950	17	11,475	37	87,425
December.....	17	40,700	13	3,200	30	43,900
Total, Oct.-Dec. 1901...	65	\$405,380	60	\$31,335	125	\$436,715
1900...	84	677,705	87	45,253	171	722,958
1899...	88	274,385	58	18,606	141	292,991
1898...	101	177,335	82	42,013	183	\$19,348

IMMIGRATION AT THE PORT OF NEW YORK.

That the flood tide of immigration has again set in is evidenced by the returns for the last quarter of 1901, during which there was an increase of 26 per cent when contrasted with the like three months of 1900, and also a gain of 12 per cent over the third quarter of 1901. The arrivals in the three periods noted numbered 93,628, 74,432, and 83,265, respectively.

The people from Southern Italy maintained the lead in the October-December quarter of 1901, representing 26 per cent of the total newcomers, or 24,745 in number. Following these were the Hebrews, with 10,212 (11 per cent), the Germans, with 9,164 (10 per cent), and the Poles, with 8,523 (9 per cent).

The greatest proportional increase in immigration, considering only those races whose numbers were above 1,500, was among the Polish element, which was 65 per cent above the figures presented for the corresponding quarter in 1900. The Irish race showed a decrease of 15 per cent.

Within the closing three months of 1901 the proportion of male immigrants was 64 per cent, as against 59 per cent in the preceding year, while the percentages of female arrivals were, respectively, 36 and 41. For the 1901 quarter the largest disproportion among the sexes was credited to the Croatians and Slovenians—81 per cent males, 19 per cent females; while the Scandinavians had the smallest disparity—51 per cent males, 49 per cent females.

In the immigration during the closing three months of 1901 16 per cent of the people were under 14 years of age, 78 per cent were from 14 to 45 years, and 6 per cent were 45 years and over. Twenty-nine per cent (22,720) of those who were 14 years of age and over were illiterate—could neither read nor write; and 321 (.4 per cent) could read, but could not write.

Thirty-eight per cent of the 93,628 alien passengers gave New York State as their place of destination; 23 per cent were bound to points in Pennsylvania, 6 per cent to New Jersey, 6 per cent to Illinois, and 4 per cent to Massachusetts. A comparatively small number (only 2 per cent) were destined to the Southern States, and 4 per cent went to the far West.

VOLUME OF IMMIGRATION AT THE PORT OF NEW YORK FOR THE QUARTERS ENDED DECEMBER 31, 1900 AND 1901, BY RACES, SEXES AND AGES, WITH THE NUMBER OF ILLITERATES REPORTED FOR THE FOURTH QUARTER OF 1901.

QUARTER ENDED DECEMBER 31, 1900.

QUARTER ENDED DECEMBER 31, 1901.

RACE OR PEOPLE.	SEX.			AGE.				SEX.			AGE.				ILLITERATE—14 YEARS OLD AND OVER.	
	Male.	Female.	Total.	Under 14 years.	14 to 44.	45 and over.	Male.	Female.	Total.	Under 14 years.	14 to 44.	45 and over.	Can read, but can-not write.	Can neither read nor write.		
African (black).....	1	.....	1	.....	1	.....	2	.....	2	.....	2	.....	.....	.....	.....
Arabian.....	325	174	499	78	401	17	213	.....	289	86	311	23	.....	.....	.....
Armenian.....	523	419	942	147	533	71	455	56	673	96	635	76	.....	.....	.....
Bosnian, etc.....	85	71	156	17	59	7	126	26	202	10	185	5	.....	.....	.....
Bulgarian, etc.....	1,466	487	1,953	117	1,711	63	2,470	202	2,268	148	2,120	118	.....	.....	.....
Canadian, etc.....	11	11	22	.....	.....	.....	.....	20	20	.....	.....	.....	.....	.....	.....
Czechian, etc.....	289	151	439	134	284	31	317	169	483	119	319	44	.....	.....	.....
Dan Indian.....	9	.....	9	.....	9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
English.....	589	594	983	135	787	121	714	447	1,161	223	900	139	.....	.....	.....
French.....	321	395	716	104	588	24	633	475	1,108	99	976	35	.....	.....	.....
German.....	761	491	1,252	109	1,046	97	799	431	1,160	145	943	74	.....	.....	.....
Greek.....	4,049	3,774	7,823	1,655	5,618	28	5,253	8,912	1,161	2,012	6,488	654	.....	.....	.....
Hebrew.....	1,331	36	1,367	116	1,133	.....	799	46	845	73	732	20	.....	.....	.....
Hungarian.....	4,535	4,340	8,875	2,170	6,140	551	5,411	4,761	10,213	2,991	6,149	659	.....	.....	.....
Irish.....	3,212	2,756	5,968	156	3,705	.....	1,252	2,385	3,637	126	3,514	150	.....	.....	.....
Italian (North).....	3,512	4,382	7,894	514	3,953	.....	1,501	2,081	6,212	2,975	3,236	219	.....	.....	.....
Italian (South).....	12,674	7,062	19,736	4,500	13,911	1,863	16,776	7,509	24,165	4,713	17,759	2,115	.....	.....	.....
Japanese.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Latvian.....	877	772	1,649	100	787	12	1,054	517	1,571	154	1,384	25	.....	.....	.....
Malay.....	1,558	367	1,925	271	2,059	105	2,266	1,243	3,569	808	2,560	131	.....	.....	.....
Polish.....	2,945	2,227	5,172	765	4,257	148	5,491	3,053	8,535	1,015	7,285	295	.....	.....	.....
Portuguese.....	296	265	463	132	289	61	253	209	463	145	313	44	.....	.....	.....
Romanian.....	.....	7	34	5	.....	.....	.....	15	146	3	139	.....	.....	.....	.....
Russian.....	31	15	46	10	35	.....	105	21	136	25	103	.....	.....	.....	.....
Ruthenian.....	468	290	758	54	695	18	1,018	397	1,413	380	1,032	48	.....	.....	.....
Sardinian.....	1,785	2,419	4,204	281	3,673	.....	2,457	2,466	6,985	980	4,957	226	.....	.....	.....
Slovak.....	8,382	82	8,464	38	8	.....	182	62	287	675	6,174	25	.....	.....	.....
Slovenian.....	5,147	1,501	6,648	579	4,132	143	4,919	2,400	7,159	9	6,174	23	.....	.....	.....
Spanish.....	1,127	70	1,197	413	1,381	86	1,679	696	1,679	247	1,364	64	.....	.....	.....
Swedish.....	1,147	576	1,723	912	1,787	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Swiss.....	61	74	135	39	84	12	.....	64	187	34	92	11	.....	.....	.....
Total.....	43,704	30,728	74,432	13,704	57,018	4,710	59,642	33,966	93,638	14,568	78,508	5,567	331	.....	23,726

AVOWED DESTINATION OF IMMIGRANTS WHO LANDED AT THE PORT OF NEW YORK DURING
THE QUARTER ENDED DECEMBER 31, 1901.

Alabama.....	108	Montana.....	187
Alaska.....	7	Nebraska.....	498
Arizona.....	73	Nevada.....	47
Arkansas.....	32	New Hampshire.....	108
California.....	1,809	New Jersey.....	5,786
Colorado.....	961	New Mexico.....	39
Connecticut.....	2,614	New York.....	85,958
Delaware.....	111	North Carolina.....	10
District of Columbia.....	69	North Dakota.....	704
Florida.....	59	Ohio.....	3,734
Georgia.....	41	Oklahoma.....	36
Hawaii.....	19	Oregon.....	118
Idaho.....	40	Pennsylvania.....	21,498
Illinois.....	5,174	Rhode Island.....	880
Indiana.....	508	South Carolina.....	15
Indian Territory.....	104	South Dakota.....	864
Iowa.....	575	Tennessee.....	121
Kansas.....	351	Texas.....	292
Kentucky.....	53	Utah.....	117
Louisiana.....	286	Vermont.....	181
Maine.....	104	Virginia.....	109
Maryland.....	341	Washington.....	454
Massachusetts.....	4,108	West Virginia.....	544
Michigan.....	1,468	Wisconsin.....	89
Minnesota.....	797	Wyoming.....	181
Mississippi.....	84		
Missouri.....	561	Total.....	98,638

REPORT OF THE STATE FREE EMPLOYMENT BUREAU.

The quarter ending December 31, 1901, ends another year of this Bureau's work and indicates the growth, slow but sure, along all the lines of our records. As previously stated, the usefulness of this Bureau will grow in proportion as its existence is known to the general public. We take every means within our power to bring our work permanently before the public and we find that one of our best methods is advertising this through what is known as our confidential inquiry which is sent out to the former employers of people who register here for work. This confidential inquiry is relative to the capability, honesty and integrity of the people seeking employment. This method of advertising is very effective because, first, it advises the people of our existence, and secondly, it demonstrates the care we take to have our record clear as to the ability and honesty of people whom we introduce to employers. We would like to use every means of bringing our Bureau's work before the people. It would be of great service and advantage to use extensively the columns of the New York papers for this purpose, but such form of advertising is very expensive and unless it could be entered into extensively, a small advertisement would be of very little purpose. We at present use the newspaper press for advertising, just as far as the limit of our appropriation permits.

This year, as usual, a great number of the people who seek to have their work placed on the market through the Bureau, are very poor people, and also quite a number of them are advanced in years. During the year we have had very many cases where people who were employed did not have as much as a five-cent piece to pay carfare to their destination. The most grievous part is that such poverty is not the result of intemperance or want of thrift.

It appears to be a great question with us at present what are we going to do for the aged. Old people are not wanted

in any of the trades. The railroads will not give them employment, and even ministers of the gospel complain that age with them is a barrier to getting a new assignment, if they are for the time being without a pulpit. The statement was made in my presence recently, at a meeting which I attended. While we, as we are in duty bound to do, make every effort to fill all the orders which come to us, we nevertheless keep in sight those who are advanced in years and out of employment, and urge employers to give them an opportunity for work.

During the year 5,828 people made application for work, of whom 2,198 were men and 3,630 were women. Of the men, 641 were married, and of the women 1,376 were married, making a total of 2,017 married people.

Of the 641 married men 382 reported having 910 children, 624 of which were dependent on them for support.

Of the 1,376 married women, 718 of them reported having 1,342 children, 741 of them being dependent.

Of the number registered, 2,185 men and 3,425 women could read and write. There were 13 men and 205 women who could not read and write, making a total of 218 applicants who could neither read nor write, and while they were illiterate, they were not without sufficient general knowledge of their various trades and callings to warrant them to be competent in the branches which they followed for a living.

During the year there were 223 applicants for men and 3,390 applicants for women for work, showing an increase over last year of 94.

The total number of situations secured during the year was 3,143, being 53.92 per cent of the total number registered.

THE ABUSES OF EMPLOYMENT AGENCIES.

We have had occasion several times to call attention to the abuses in what are known as employment agencies. These abuses have been of various kinds. Within the last year there has been called to our attention the use made by some employment agencies in this city which would indicate that they are anything but useful and reputable institutions. Recently, in the Court of General Sessions, Judge Cowing sentenced two men

to State's prison for the abduction of a fourteen year old girl. One of the prisoners sentenced was connected with an employment agency in Second street, where this girl who was abducted went to find employment as a servant. She was sent to Philadelphia in charge of a man, who introduced her to a house of ill-repute.

The party who so introduced her was, we are informed, guilty of a similar offense some time before. There is another case of the same character where there was an indictment found by the grand jury in this county. The case will be brought for trial and, from a letter we received from the district attorney, we have reason to believe that a like punishment will be meted out to the culprit, as in the other cases reported.

An editorial writer in the *Advertiser* Tuesday, February 18th, shed some light as to the methods employed by intelligence offices by which they are enabled to gain fees from employers and employees. The editorial runs as follows:

"ANOTHER THORN IN THE HOUSEWIFE'S SIDE.

"An intelligence office (wherever *did* they get that name?) is usually considered to be one of the few institutions left which really assist the puzzled mistress of a household in keeping together a staff of servants whose chief amusement appears to consist in playing the old game of general post from one situation to another. No doubt the best of them are doing so; but there are black sheep in the best of flocks, and it is only right to expose an example of the tricks which have been tried in one instance. The plan seems so simple that one can hardly believe it has been entirely confined to the single office which has been found out. A few days ago a housewife who employs a considerable staff of servants was surprised to extract from an envelope addressed to herself a letter which was evidently meant for the eye of her footman only. The substance of this astonishing communication was as follows: 'We think you have now been in your present situation quite long enough, and as we can offer you an excellent position elsewhere we shall be glad if you will give notice at once and communicate with us.' She had hardly finished reading the illuminating epistle when the man came in bearing a letter to herself which the clerk at the intelligence office had placed in an envelope addressed to him. In the conversation which was the natural and immediate result the man protested that he knew nothing whatever of the proceedings of the office in question, that he was perfectly satisfied to continue in his present place as long as he was needed, and that he had no intention of giving notice. There for the present the matter rests."

The following table shows the work of the Bureau for the quarter ending December 31, 1901:

Applications for work.....	1,627
Applications for help.....	762
Situations secured.....	848
Percentage of applicants who secured employment	52.1

The difference between applications for help and situations secured occurred in this way: that applicants for help have often asked for more than one person, as in the case of hotels, etc.

JOHN J. BEALIN,

Superintendent.

107 East 31st st., New York city.

INDUSTRIAL DISPUTES IN NEW YORK STATE.

The disputes between employers and the employed in October, November and December were relatively few and unimportant. According to Table 6 in the Appendix they numbered 16 and involved 46 firms and 2,281 employees, of whom 1,338 were directly concerned in the disputes and 943 were indirectly affected. The aggregate number of working days lost was 24,300. The causes of the disputes were as follows: Increased wages, 5; employment of particular persons, 5; trade unionism, 3; shorter hours, 1; other causes, 2. The results were generally favorable to the employers, the workmen having won but 3 disputes, compromised 1 and lost the remaining 12 as respects the essential points at issue.

Measured by duration in working days lost, the most important dispute was the Oneida cigar makers' strike, affecting about 200 employees and lasting from November 30 to January 8. The efforts of members of the Board of Arbitration to adjust the strike were unavailing, as noted in the special article below. Most of the other disputes (New York switchmen, Rochester electrical workers, Silver Creek molders and machinists, Niagara Falls lead workers, Buffalo brewery employees and Albany cigar makers) were described in the December BULLETIN, and therefore require no further attention.

The first instance in which both sides have submitted their differences to the Bureau of Arbitration before the stoppage of work occurred late in December. The decision rendered by the State Mediator was accepted by both parties, and thus averted a threatened dispute in one of Brooklyn's large shoe factories. The particulars of this case are given below.

Oneida Cigarmakers' Strike.

On November 30, 1901, the cigar factory of Powell & Goldstein in Oneida was closed by a strike of 152 cigar makers and packers, the 41 other employees of the firm being also thrown out of work thereby. The strikers demanded that the factory foreman, Ahrens by name, who had been discharged for failure

to carry out the firm's orders, should be reinstated, and that the foreman of the stock department, Sanders by name, should be discharged. There had been a dispute in February, 1901, concerning the employment of Sanders, who was then factory foreman, which had been adjusted by his transfer to the stock department and the appointment of Ahrens to the foremanship.

The strike was voted at a meeting of Cigar Makers' Union No. 12, at which an application to the international union for authority to strike was drawn up. But on the following morning, without waiting for approval from international headquarters, the strike committee presented the demands to the firm, precipitating the strike.

On December 20th First Deputy Commissioner of Labor Williams went to Oneida and conferred with the firm and with the strike committee of the union, tendering to each the services of the State Board of Mediation and Arbitration. The committee declined the board's services. The employers were apparently willing to submit the matter to the board, but declared their determination never to reemploy certain of the strikers upon any terms, and that rather than accede to the demands made they were prepared to move their factory to another locality. Again on December 28th, Mr. Williams, in company with Second Deputy Commissioner Lundrigan, met each of the parties, but they were unable to bring about a conference or effect a settlement.

The dispute was finally terminated by Mr. Adolph Strasser, an agent of the international union. Acting with authority from international headquarters and after full investigation, Mr. Strasser, at a meeting of the union, declared the strike application to be based upon a misrepresentation of facts and null and void, instructed the union to discontinue the payment of strike benefits, and promised the protection of the international union to all members who returned to work. Thereupon a division in the union occurred, being apparently the culmination of previous dissensions, part of the members accepting Mr. Strasser's decision and going to work at noon on January 9th. The remainder appealed against the decision to the international president, but that officer sustained the agent's decision and work was generally resumed before the end of January.

Novel Agreement for Arbitration in a Brooklyn Shoe Factory.

Under an agreement entered into April 15, 1901, between Messrs. Wichert & Gardiner, shoe manufacturers of Brooklyn, and their employees, all disputes are to be settled by arbitration. The novel feature of the agreement is the provision made for insuring the acceptance of the arbitrators' decision, each side being required to post \$10,000 as a forfeit. The firm gave a bond for that amount, issued by a surety company, while the \$10,000 to be posted by the employees was to accumulate from a five per cent deposit of weekly wages until the sum reached \$25 for each male and \$15 for each female employee. At the end of 1901, when a dispute was threatening, the employees' deposits aggregated \$5,000, on which the firm was paying them six per cent interest. This agreement had been proposed by the firm as a result of its experience in several disputes, which had failed of final settlement because the decisions of arbitrators were sometimes rejected.

In December, 1901, a disagreement arose respecting (1) the allowance for remaking shoes spoiled by the workmen, (2) the classification in the price schedule of a new style of shoe or slipper, (3) the determination of prices for entirely new work. December 27th, Francisco P. Silva, the chairman of the grievance committee of the Independent Union of Shoe Workers of Greater New York and Vicinity, wrote to the Bureau of Mediation and Arbitration requesting a member of the Board to act as the fifth arbitrator in these disputes. Mr. Bernard Stark, Mediator of Industrial Disputes, visited Brooklyn December 30th to inquire into the dispute and after conferring with both parties agreed to act as arbitrator. He met the other four arbitrators selected, two from each side, at the office of Wichert & Gardiner, corner of Pacific street and Schenectady avenue, Brooklyn, January 3, 1902; the firm being represented by Joseph Wichert and George Gardiner, superintendent, and the workmen by F. P. Silva and David Geist. On January 7th, Mr. Stark announced the following decisions:

I.

"The first point in dispute is a demand of the lasters (numbering about 100 of the 500 employees) to be paid full price for remaking any work that may be spoiled by them. This question came up several months ago, and the firm agreed to pay them one-half of the price they were receiving for this work rather than have any dispute. This was satisfactory to the men until a short time ago, when they made a demand for full pay, which the firm refused.

"At the meeting held January 3, 1902, statements were made by both sides to the controversy, Messrs. Silva and Geist presenting the case for the men and Messrs. Wichert and Gardiner the side of the firm. Various questions were submitted by me bearing on the questions in dispute. The men do not claim that the material used is inferior in quality and the firm states that it furnishes all material to the men for doing this work over again without making any charge to them for the same, entailing an additional expense to the firm of 50 cents a pair on such shoes. It was shown and not disputed that there are many of the men who spoil very little of the work done by them, while others damage a great deal.

"It appears to me from the statements made that the demand made by the men for this additional pay is unreasonable. If the firm acceded to this demand the men would not be required to use the care they should in doing this branch of the work so long as they knew they would receive full pay for any imperfect work done by them. It seems to me that much of this imperfect work is done through carelessness of the employees. I consider it very liberal on the part of the firm to furnish the necessary material for all work required to be made over, without charging the men for same.

"I have consulted with some leading manufacturers in whom I have the most implicit confidence and their views in the matter fully coincide with mine.

"After giving this matter my most careful consideration I have come to the conclusion that the firm has acted liberally in agreeing to pay the men one-half of the regular price for doing such work over and therefore decide the men are not entitled to their demand in the matter."

II.

"Demand of union that three new styles of slippers not included in agreement of April 15, 1901, be classed under scale of prices adopted in Oxford tie price list under said agreement. Styles referred to are named as follows: 'Two-button Colonial,' 'Mandel' and 'Elsa.' The members of the firm claim that as these are slippers and made similar in style to numbers they have been making for several years they should make same at scale of prices adopted for slippers under the agreement of April 15. The representatives of the union in presenting their statement of the work on these new styles insist that the work on these is fully equal to the work on Oxford ties and claim they should be classified in the Oxford price list.

"Messrs Wichert & Gardiner have submitted samples to me of several styles of slippers they have been making, as well as the three new styles referred to. While technically speaking these three styles in dispute may

be classed as slippers, still the work connected with same seems to be equal to the work done on Oxfords, as claimed by the employees.

"I have taken the liberty of submitting these samples to several parties who have had large experience in manufacturing this line of goods and from their statements made to me in regard to same I have come to the conclusion that the men are entitled to the advance asked by them and that these three styles, viz.: 'Colonial,' 'Mandel' and 'Elsa,' should be classified in the Oxford tie price list."

III.

"The Hebrew fitters, who are a separate branch of the union, were represented by David Cohen and Louis Sinovsky. The firm was represented by Joseph Wichert and George Gardiner. They all signed an agreement to abide by the decision of a majority of the arbitrators on any matter in dispute in which they were interested.

"The only point at issue between this organization and the firm is the following:

"Wichert & Gardiner made the following request: 'If there are any goods that the price cannot be agreed upon, the firm shall have the privilege of giving out this work as week-work; the price for such work to be arranged as follows: The firm will agree to take as a basis the piece-work done by their employees during five consecutive weeks as an average, and will pay them in accordance with the amount earned by them for any week-work demanded of them.'

"I consider the proposition of the firm an entirely just one and decide that whenever a request of this kind is made by the firm under above proposition the same shall be carried out by the men; the pay for such work to be in accordance with the proposition above mentioned."

The decisions were accepted by both sides, the union sending to the Mediator the following letter:

INDEPENDENT UNION OF SHOE WORKERS OF GREATER NEW YORK AND
VICINITY,

No. 5 BOERUM STREET.

BROOKLYN, N. Y., January 27, 1902.

MR. BERNARD STARK:

Dear Sir.—At a recent meeting of this body the proceedings of the late arbitration between Messrs. Wichert & Gardiner and this body were read, and I am directed in the name of this organization to thank you for your *fair, honest and unbiased* decision in said matter.

Again thanking you, I remain,

Yours truly,

F. W. WESTLEY,

Secretary.

Settlement of the Controversy Between the New York Sun and the Union Compositors and Stereotypers.

"By authority of the union, giving full power to its officers and Executive Committee to make a settlement with the *New York Sun*, the officers hereby report that a satisfactory settlement has been made, and has been approved by the Executive Committee of the union."

President M. G. Scott and Secretary-Treasurer J. F. Healy thus briefly announced, in an official circular letter issued on March 12th to the membership of New York Typographical Union No. 6, the cessation of hostilities between that union and the *Sun*. The controversy, which began on August 5, 1899, and ended on March 6, 1902, came to a conclusion through a mutual agreement entered into by Typographical Union No. 6, Stereotypers' Union No. 1 and the *Sun* management—the three parties originally and directly concerned in the dispute. By the terms of the agreement the parties to it are prohibited from making public any of its details. The causes which led up to the conflict, and various incidents connected with it, are fully set forth at page 212 of BULLETIN No. 3, for December, 1899.

Adjustment of Bricklayers' Dispute in the New York Rapid Transit Tunnel.

By an agreement between the Subcontractors' Association and the Executive Board of the Bricklayers and Masons' International Union, which became effective on the 12th of February, a controversy of long standing in the New York City Rapid Transit Tunnel was brought to a satisfactory close. Prior to the intervention of the international officials committees from the different subordinate unions of bricklayers in the metropolis had taken steps to bring about a settlement, but as these committees had unintentionally worked at cross purposes their efforts proved futile. In making the agreement the general Executive Board succeeded in having inserted therein a clause which provides that any grievances that may hereafter arise shall be referred to the Greater New York Executive Committee, which shall appoint a standing committee of three members attached to the Executive Committee of the unions in the boroughs of Manhattan and the Bronx; such committee to meet a similar one representing the subcontractors. In the event

of a dispute the bricklayers are to remain at work, and no action is to be taken until the joint committee reports.

The adjustment of the difficulty checked the general use of concrete in the tunnel, it having been the design of the contractors to reduce as much as possible the necessity for the employment of bricklayers. Likewise plans had been executed for a large power-house to be constructed entirely of concrete, but this structure will now be built of brick; and instead of stucco tile, enameled brick will be used at the stations. Other material in lieu of brick was also contemplated at various points throughout the subway, because of the dispute with the bricklayers, but owing to the agreement brick will take its place. In addition, the compact stipulates that all four-hole ducts contracted for in future are to be conceded to the control of the members of the local bricklayers' unions, while the latter agree to waive those already contracted for. Following is the text of the agreement:

NEW YORK CITY, *February 12, 1902.*

Agreement between the Bricklayers and Masons' International Union of America and the subcontractors on the Rapid Transit Railroad, New York City.

First. It is mutually agreed that the terms of this agreement apply to all bricklayers and masons' unions of New York City, holding charters under the B. and M. I. U. of America.

Second. That, on and after the above date, the agreement at present existing, and any which may hereafter be made from year to year between the Mason Builders' Association and the subordinate unions of the B. and M. I. U. of New York City, shall govern and regulate all mason work on the transit system now under construction and any mason work that may hereafter be contracted for by the subcontractors of said association.

Third. That four-hole ducts already contracted for shall be waived by the unions of New York City, in consideration that all future contracts for four-hole ducts be conceded to the control of members of the Bricklayers and Masons' International Union of New York City, under the terms and provisions of this agreement, present contracts to be specified and filed at an early date.

Fourth. That the unions affiliated with the B. and M. I. U. having men employed upon the said Rapid Transit construction hereby agree that if any grievance should arise upon the said contract, it must be submitted by the organization having said grievance to the unions connected with the New York Executive Committee; said committee, after carefully considering the said grievance, shall take a vote upon the same, and if a majority vote that the grievance is a just one, the same shall be presented to the committee of subcontractors for consideration; the committee selected by the New York Executive Committee, to be three mem-

bers of the Manhattan and Bronx unions, and by the subcontractors, respectively, to have power to determine the controversy.

Should any of the subcontractors have a grievance, it will be submitted to the Subcontractors' Association first, and if a majority of the subcontractors vote that it is a just grievance, it shall be submitted to the committee of the subcontractors and the committee selected by the representatives of the New York Executive Committee, respectively, and shall be settled the same as a grievance from the labor organization.

In the event of the committees failing to agree upon a grievance submitted, within twenty-four hours, either side can demand that a disinterested party shall be selected to arbitrate the matter, the finding to be binding on all parties to this agreement.

No strike or lockout or suspension of work shall take place on either side, on account of any grievance, upon the Rapid Transit construction, by the parties to this agreement. All disputes on either side must be settled by conference. In the event of failure to agree, must be settled by arbitration.

In witness whereof, the parties hereto have, by their respective committees, affixed their hands, this 12th day of February, 1902, to take effect Monday, February 17, 1902.

GEORGE P. GUBBINS,

President Bricklayers and Masons' International Union.

WILLIAM J. BOWEN,

First Vice-President Bricklayers and Masons' International Union.

WILLIAM DOBSON,

Secretary Bricklayers and Masons' International Union.

JOHN GRIX,

SAMUEL TOMLEY,

JOHN GILL,

Committee for the Bricklayers and Masons' International Union.

GEORGE W. McNULTY,

J. HOLLROTH,

For Subcontractors, Rapid Transit Railroad.

SUMMARY OF THE FIRST ANNUAL REPORT OF THE DEPARTMENT OF LABOR.

The first report of the Department of Labor, which has been submitted to the Legislature in three parts, does not cover a full year in all branches of work. The Department itself did not come into existence until March 6, 1901, upon the appointment of the Commissioner of Labor; but its three bureaus previously existed as independent departments and their activities were continued without break. The period determined upon as the Department's business year consists of the twelve months October 1–September 30. This had been the official year of the Bureau of Labor Statistics and hence the present report (the nineteenth) covers a full year of that Bureau's activity. The preceding report of the Factory Inspector covered the year ended November 30, 1900; hence, the present report (the sixteenth) covers the ten months from December 1, 1900, to September 30, 1901. Similarly, the present report (the fifteenth) of the Bureau of Mediation and Arbitration covers the nine months from January 1 to September 30, 1901.

The enforcement of practically the entire Labor Law, which is considerably wider in scope than the factory law alone, devolves upon the Commissioner of Labor, as does also that part of the Domestic Relations Law which relates to the indenturing of apprentices. His duties may be conveniently treated under the following topics:

- I. Public work (Article I of the Labor Law, including the prevailing rate of wages, eight-hour and alien labor clauses).
- II. Convict-made goods (Article IV).
- III. Apprenticeship (Article VII of the Domestic Relations Law).
- IV. Hours of labor in brickyards and on railroads (§§ 5, 6, 7).
- V. Payment of wages (by receivers § 8; in cash, by corporations, § 9; weekly, by corporations, § 10; assignment of wages, § 12).
- VI. Seats for female employees in factories, hotels, and restaurants (§ 17).
- VII. Provisions for safety of workmen employed on buildings (§§ 18–30, known as the "life and limb" law).
- VIII. Free Employment Bureau (Article III).
- IX. Factories, workrooms, and bakeries (Articles V–VIII).
- X. Mines and quarries (Article IX).
- XI. Labor statistics (Article II).
- XII. Mediation and arbitration (Article X).

Although many of the clauses under the first eight of these topics have heretofore been enforced by the Factory Inspector, they really have no immediate connection with factory inspection and should therefore have

separate consideration. The report of the Bureau of Factory Inspection properly covers Articles V-IX of the Labor Law, as indicated in paragraphs IX and X above; that of the Bureau of Labor Statistics, Article II; and that of the Bureau of Mediation and Arbitration, Article X. The report contains a table of the complaints received and investigated by the Department, which are tabulated under this scheme. It may be summarized as follows:

	Sustained.	Sustained in part.	Not sustained.	Total.
I. Public work	57	....	8	65
V. Payment of wages	22	4	....	26
VI. Seats for female employees .....	....	....	3	3
VII. Construction work—safe scaffolding	2	....	....	2
IX. Factories, workrooms and bakeries	525	20	840	895
Matters outside the Department's jurisdiction	25	....	32	57
All complaints	651	24	878	1,053

No complaints were received and no action taken by the Department upon the subjects mentioned under paragraphs II, III and IV above; while the work of the Free Employment Bureau is summarized in the quarterly report of the Superintendent elsewhere in the BULLETIN, and paragraphs VI and VII do not call for extended comment. The more important subjects of public work and weekly payment receive greater attention.

BUREAU OF FACTORY INSPECTION.

[See Tables 9-12, at the close of the BULLETIN.]

Aside from the extensive statistics of factories inspected, the report deals largely with tenement-house work under the licensing law of 1899. Scrutiny of the following tables of inspections, complaints and prosecutions will show how largely tenement manufacture bulks in the work of the Bureau:

Tabular Summary.

1. INSPECTIONS, ORDERS, ETC.

Inspection of factories (including 4,573* workshops in tenements)	28,028
Inspections of bakeries	3,149
Inspections of mines	68
Licensed tenement workrooms inspected	13,887
Licensed tenement shops inspected	4,573
Unlicensed places inspected	2,183
Applications for license investigated	15,238
Applications for license reinvestigated	3,011
	36,842
Places visited and found closed, burned, removed, etc.	5,398
Complaints investigated	504
Compliances investigated	1,020
Accidents investigated	108
	1,632
Total	65,434

*The 4,573 tenement workshops, which appear twice, are counted but once in the total.

Tagging cases, 322; appointments, 263; others, 3,903	4,488
Number of orders issued to 13,445 separate factories and bakeshops.....	33,766
Number of compliances with orders in 12,306 separate factories.....	25,803
Number of changes ordered in 15 mines.....	13
Number of compliances in 7 mines.....	8

2. COMPLAINTS.

	Sustained.	Partly sustained.	Not sustained.	Total.
1. Failure to post laws, etc.....	6	.....	.....	6
2. Health and safety.....	173	10	76	259
a. Lack of light.....	12	1	3	16
b. Lack of ventilation.....	9	3	16	28
c. Lack of time for meals.....	7	.....	5	12
d. Uncleanliness.....	106	3	31	140
e. Dangerous machinery unguarded.....	19	1	4	24
f. Elevators, hoistways, etc.....	5	1	3	9
g. Insufficient fire protection.....	9	.....	5	14
h. Unsafe buildings.....	6	1	9	16
3. Illegal employment of children.....	30	.....	20	50
4. Illegal employment of women and minors.....	35	2	41	78
5. Laundries.....	.....	.....	.....	.....
6. Tenement work illegally carried on.....	182	4	154	340
7. Bakeries.....	88	1	28	117
8. General violations.....	11	3	21	35
Total.....	525	20	340	885

3. PROSECUTIONS.

	Convicted and fined.	Convicted and sentence suspended.	Acquitted or discharged.	Cases withdrawn.	Cases pending.	Total cases.	Amount of fines.
Employment of children under legal age.....	10	5	7	....	1	23	\$450
Illegal employment of minors at night.....	3	....	4	....	....	7	60
Illegal tenement work.....	54	9	2	2	2	66	1,400
Violations of bakeshop law.....	2	6	....	....	....	8	20
Total.....	69	20	13	2	3	104	\$1,930

TENEMENT MANUFACTURE.

From the preceding tables it appears that out of 58,514 inspections made by the deputy factory inspectors in the ten months covered by the report, 36,842, or 63 per cent, were connected with tenement manufacture; that 340 out of the 885 complaints and 66 out of the 104 prosecutions were likewise concerned with work for hire in tenements. The Bureau's Report shows that this feature of its work has grown rapidly as a result of the vast development of the clothing industry in the State and especially in New York City. Even at the census of 1890, the manufacture of ready-made clothing was New York's most important industry, and since then it has grown rapidly and in part taken the place of such industries as the manufacture of flour, lumber, iron and steel, which have been

leaving the State to seek location in the West nearer the source of supply.

The following table shows for New York City and the remainder of the State separately the operations of the licensing bureau:

LICENSES FOR TENEMENT MANUFACTURE, DECEMBER, 1900—SEPTEMBER, 1901.

	New York City.	Up-State.	Total.
Applications for license received.....	11,545	1,024	12,569
Number of licenses issued.....	9,561	989	10,550
Number of licenses refused.....	1,163	10	1,173
Number of licenses revoked.....	789	4	793
Licenses returned upon change of residence ...	4,764	324	5,088
Duplicates returned, etc	21	7	28
Total licenses outstanding November 30, 1900	16,059	8,097	24,146
Net increase December, 1900—September, 1901.....	3,937	654	4,641
Outstanding September 30, 1901.....	20,046	8,741	28,787

Four tables in the appendix (Tables 9-12) contain additional information about the distribution of licenses as between shops and dwellings, New York City and the other large cities, clothing and the other industries for which the law requires a license, custom clothing and ready-made clothing, workers for customers and workers for contractors, families with and families without outside workers. The Report itself shows the location of sweat-shops upon each street in New York City, but it is of course impracticable to summarize those statistics further than is done in Tables 9, 11 and 12, in which New York City is divided into boroughs and the lower "East Side" distinguished from the remainder of Manhattan and the Bronx boroughs.

FACTORIES AND BAKESHOPS.

Table 13 in the Appendix is a summary of the factories and bakeries of the State, with the number of their employees, and weekly hours of labor, so far as they were inspected in the 10 months covered by the Report.

The total number of employees was 646,827 which would be equivalent to 776,000 in 12 months as compared with 748,917 in the preceding year. The average number of employees in an establishment this year is 29 as compared with 26 last year. The difference is due to the fact that small blacksmith's and tinsmith's shops in out-of-the-way villages are no longer inspected. These little shops employ no women or children and only one or two men who work alongside the employer; and they use little, if any, machinery. They therefore require no government super-

vision, which would be very expensive because of the time which would necessarily be spent by an inspector in traveling.

Of the 646,827 employees, the largest number (158,842) is employed in the metal working and machine-making industries. But the clothing, millinery and laundering trades employ 151,231, besides 39,000 in tenement workrooms that do not come within the definition of factories. The textile industry employs 66,324 and printing, publishing, bookbinding, etc., 62,176. These figures do not represent the full strength of the several industries, as not all factories in the State were inspected within the 10 months covered by the report.

It is found that 19.2 per cent of all the employees work in very large factories, employing at least 500 persons each; about the same proportion, 19.7 per cent work in factories having between 200 and 499 employees; 29.4 per cent in establishments of 50-199 employees; 16.3 per cent in establishments with 20-49 employees, and 15.4 per cent in small factories with fewer than 20 employees. While the most numerous class of workers is apparently found in medium-sized factories (50-199 employees), it is to be remembered that the great majority of the thousands of manufacturing establishments not inspected are small ones. If included, these would undoubtedly give preponderance to the factories employing fewer than 20 wage-earners.

The report contains a table showing the same items as those given in Table 13 for each county and town in the State, which cannot of course be reproduced in the BULLETIN. Table 14, however, gives seven of the principal items for each city of the State, as well as three villages that had a population of more than 10,000 at the latest Federal census. Of the first and second class cities only Buffalo, Albany and Troy were completely inspected in the period for which report is made. Hence it would be untrue to say that Syracuse has fewer factory employees than Albany, Troy or Utica.

BAKERY AND CONFECTIONERY ESTABLISHMENTS.

The statistics of these establishments falling under Article VIII of the Labor Law may be found in Table 13 under industry group X, 3. Orders (8,506) were issued to 2,521 bakeries to enforce compliance with the law. The number of compliances reported, up to the time when the tabulation was made, was 5,601 by 2,138 firms. A considerable number of orders were issued by the deputy at the time of the inspection; thus 1,586 of the orders were to post the law, schedule of hours, etc. Of the remaining orders the largest number (1,573) required the

whitewashing of walls and ceilings. Two orders were issued requiring the discharge of children under the legal age and 34 requiring the discharge of children under 16 who were being employed without certificates.

MINES AND QUARRIES.

The inspecting of the quarries and mines in the various inspection districts is not done by the deputies assigned to those districts, but the entire State is covered by one deputy, who was originally the inspector of mines. This year he made 68 inspections in 64 establishments. The number of separate mines owned by these 64 firms was 142, of which 104 were in operation. The total number of employees was 3,933; but not all of these were employed directly in the quarries, as contrasted with the works proper, which are inspected as factories. There were 15 stone quarrying establishments, operating 20 quarries and employing 453 men; 8 talc establishments with 201 men; 2 salt mines, 200 men; one garnet, graphite and sienna mine each, which together employed 135 men; 20 firms operating 58 cement quarries with a force of 1,830 men; 6 firms quarrying gypsum with 169 employees; 10 firms engaged in operating iron mines (19 separate mines or shafts in operation) with 945 employees.

He issued 18 orders to 15 firms; most of which were to pay wages weekly or to inspect boilers, of which there were altogether 159 with 12,742 horse power. Compliances were reported with eight orders by seven establishments. No accidents were reported in the mines or quarries and they were no complaints or prosecutions.

WORK OF WOMEN AND CHILDREN.

Tables 13 and 14 reveal the number of women, minors and children employed in the factories of the State, while Tables 15-17 show the number of children's employment certificates issued to children by the health officers throughout the State. Many of these officials report to the Bureau the certificates for mercantile as well as factory employment, while in Brooklyn the vacation certificates are not separated from the others. The chief interest of the figures is derived from their revelation of the birth places of these children. It appears that 80 per cent of them were born in this State.

ACCIDENTS.

The necessity of factory inspection to obtain proper safeguards for the workers has been demonstrated in innumerable cases by the occurrence of accidents that would have been prevented by prompt compliance with the inspectors' orders. A fresh case has just been settled out of court, the history of which teaches a useful lesson. On November 16, 1899, a deputy inspected a factory in Niagara Falls and found the elevator shaft unguarded. He ordered the proprietors to provide automatic gates or doors; and they, while protesting that it was a needless expense, promised to comply with the order. Before they had done so, however, a workman fell down the shaft and sustained a compound fracture of the leg. He brought suit against the employers for \$25,000 damages, and his case was so strong that the firm finally made a satisfactory settlement with him rather than allow the case to come to trial.

Table 18 is a summary of the statistics of accidents contained in the Bureau's report.

BOILER INSPECTION.

In New York City and Buffalo the inspection of steam boilers is performed under municipal authority; elsewhere in the State boilers in factories must be inspected twice a year by competent persons, and their certificates of inspection filed with the Bureau of Factory Inspection. The number of factory owners who filed such certificates in the ten months, Dec. 1, 1900 to Sept. 30, 1901, was 7,020, of which 590 were in Monroe county, 476 in Oneida county, 417 in Albany county, 394 in Rensselaer county, 359 in Onondaga county, etc.

BUREAU OF LABOR STATISTICS.

[See tables 7 and 8 at the close of the BULLETIN.]

A new feature of the report of the Bureau of Labor Statistics for 1901 is a compilation of the changes in wages and hours reported by the labor unions. It appears that the changes in the rates of wages affected 50,253 or about one-fifth of all the members of trade unions in the State, and nearly all the changes (95 per cent) were increases, while of the 5 per cent whose wages were reduced many were due simply to the shortening of the hours of work. The average weekly gain of the 47,585 persons who secured an advance in wages was \$1.97, while the average

weekly loss of 2,668 persons who suffered a decline in wages was \$2.67. The net weekly gain to the 50,253 wageworkers was \$1.73.

More than four-fifths of all the changes in wages were reported by the members of unions in the building and clothing trades, as appears in the following summary table:

TABLE 1.

CHANGES IN WAGES REPORTED BY MEMBERS OF LABOR UNIONS, 1 OCT., 1900—30 SEPT., 1901.

INDUSTRY.	INCREASES.		DECREASES.		NET CHANGES.		
	Number affected.	Average weekly gain.	Number affected.	Average weekly loss.	Number affected.	Aggregate weekly increase.	Average weekly gain.
I. Building, stone work- ing, etc.....	17,480	\$2 09	384	\$0 91	17,864	\$36,168	\$2 02
II. Clothing and textiles...	22,891	1 99	1,620	3 65	24,511	39,708	1 63
III. Metals, machinery, etc.	1,585	1 19	282	85	1,867	1,647	88
IV. Transportation.....	1,967	1 53	253	1 62	2,220	2,609	1 18
V. Printing, binding, etc..	206	2 30	.....	.....	206	473	2 30
VI. Tobacco.....	520	1 22	.....	.....	520	683	1 22
VII. Food and liquors.....	501	1 52	.....	.....	501	762	1 52
VIII. Theaters and music.....	.....	.....	.....	.....	.....	.....	.....
IX. Woodworking.....	775	2 80	.....	.....	775	2,167	2 80
X. Hotels and restaurants.	160	79	18	4 00	178	54	30
XI. Public employment ...	611	3 01	.....	.....	611	1,839	3 01
XII. Miscellaneous.....	889	98	111	1 17	1,000	744	74
Total.....	47,585	\$1 97	2,668	\$2 67	50,253	\$66,807	\$1 73
<i>Women included therein:</i>							
II. Garment makers.....	5,717	1 59	800	3 69	6,517	6,187	94
V. Compositors.....	8	1 06	.....	.....	8	8	1 06
VI. Tobacco workers.....	128	98	.....	.....	128	114	93
X. Waitresses.....	83	60	.....	.....	85	51	60
All women.....	5,933	\$1 56	800	\$3 69	6,733	\$6,310	\$0 94

The net weekly increases amount in the aggregate to \$66,807, distributed among 50,253 working people, and of this amount \$75,900 is to be credited to the two groups of trades just specified (building and clothing). The largest per capita weekly gain (\$3.01) is found among the employees of public authorities (Group XI), and is chiefly due to a gain of \$3.71 per week among the New York city dock builders. The smallest net weekly gain is found among the hotel and restaurant workers (Group X); while 160 waiters and waitresses in Buffalo gained an average of 79 cents weekly, 18 bartenders in Hornellsville lost \$4 each per week.

The reduction that affected the largest number was among the 700 male and 800 female waist-makers (Group II) of New York city, whose piece rates were reduced 50 per cent. These were the only women reported who suffered a cut in wages.

The trade most generally benefited was that of bricklayers and masons, of whom 6,671 secured an advance that averaged \$2.20 a week. The majority of them were in New York city, where the rate was advanced in June, 1901, from 55 to 60 cents an hour.

New York city naturally claims the bulk of the increases. The average weekly gain there was \$2.11 among the unions reporting increases and the net gain, after deducting the losses, was \$1.87 per week.

TABLE 2.

	New York.	Buffalo.	Albany-Troy Dist.*	Rochester.	Syracuse.	Other towns.
Increases:						
Members affected.....	86,760	4,091	827	1,131	164	4,612
Average per week	\$2 11	\$1 83	\$1 12	\$1 16	\$1 96	\$1 34
Decreases:						
Members affected.....	1,568	425	.....	12	.....	663
Average per week	\$3 79	\$1 18	.....	\$1 50	.....	\$1 00
Net changes:						
Members affected.....	88,328	4,516	827	1,143	164	5,275
Total weekly increase.....	\$71,783 00	\$6,978 00	\$926 00	\$1,299 00	\$323 00	\$5,554 00
Average weekly increase.....	1 87	1 54	1 12	1 14	1 96	1 06

* Including Albany, Troy-Lansingburg, Rensselaer-Bath, Green Island, Watervliet, Cohoes and Schenectady.

New York's increases were almost entirely in the building and clothing trades; Buffalo's were in the building, transport (railroad), and (machine) wood working trades; in the Albany-Troy district, street railway employment and machinist's trade; in Rochester, the various building trades, and in Syracuse the few changes were scattered.

It is interesting to note that three-fourths of the agreements in which these changes were embodied were made without recourse to strike or lockout; although the number of members affected in this case was only one-third of the total:

TABLE 3.

	CHANGES EFFECTED—				CHANGES ARRANGED BY	
	WITHOUT STRIKE.		AFTER STRIKE OR LOCKOUT.		Parties concerned or their representatives.	Trade boards or joint committees.
	No.	Members.	No.	Members.		
I. Building and stoneworking	69	12,474	14	5,390	9,961	7,908
II. Clothing and textiles.....	10	384	18	21,127	24,511	.....
III. Metals, machinery, etc.....	81	1,441	11	421	1,862	.....
IV. Transportation	23	1,404	4	816	2,220	.....
V. Printing, binding, etc.....	7	138	2	60	198	.....
VI. Tobacco	3	500	.....	.....	500	.....
VII. Theaters and music.....	.....	.....	.....	.....	.....	.....
VIII. Food and liquors	15	494	.....	.....	494	.....
IX. Wood working	4	47	2	728	775	.....
X. Hotels and restaurants.....	2	160	.....	.....	160	.....
XI. Public employment	5	184	1	427	611	.....
XII. Miscellaneous.....	8	970	2	30	842	58
Total	177	18,294	54	31,999	42,163	7,961
Women included:						
II. Garment making .....	.....	57	.....	6,460	6,517	.....
V. Printing.....	.....	8	.....	.....	8	.....
VI. Tobacco.....	.....	123	.....	.....	123	.....
X. Restaurants.....	.....	85	.....	.....	85	.....
All women .....	.....	273	.....	6,460	6,733	.....

It is particularly in the building trades that we find these changes in wages made without the interruption to work known as a strike or lockout, while in the clothing trade the opposite condition prevails and few changes were made without involving the stoppage of work.

It also appears from the preceding table that with the exception of one glass-workers' union, all the unions that arranged changes in the rates of wages through trade boards or joint committees of employers and employed belonged to the building trades. While in other cases the con-

tracts or agreements were made by the workmen immediately concerned or by their union officers or committees, some of the building trades organizations have progressed beyond such temporary expedients for bargaining and have created, in union with the employers, joint committees or trade boards, of a more or less permanent nature. Agreements arrived at through such boards are, in the table now in review, restricted to the marble workers in New York city, and the bricklayers and masons of New York, Buffalo and Rochester, besides the Ithaca glass-workers' union previously mentioned.

DAILY WAGES IN 1899, 1900 AND 1901.

As we have seen, the net gain in wage rates made by 50,253 unionists averaged \$1.73 per capita weekly; and their average daily gain would amount to about 28 cents. If the gain were spread over the entire membership of labor organizations in the State (averaging about 255,000) the average daily gain would therefore come to five or six cents. And this is the actual gain revealed in the regular quarterly reports of earnings of members of labor unions, as found by dividing the aggregate quarterly earnings by the total number of days worked in each quarter, thus:

TABLE 4.

AVERAGE DAILY EARNINGS OF MALE TRADE UNIONISTS.

	1897.	1898.	1899.	1900.	1901.
First and third quarters.....	\$2 56	\$2 66	\$2 73	\$2 70	\$2 75
Third quarter only.....	2 61	2 70	2 77	2 71	2 77

Save for the decrease in 1900 there is a steady and constant gain from 1897 to 1901. This decrease in 1900 and the check in the third quarter of 1901 require examination, which may best begin with the following table of average daily earnings by groups of trades:

TABLE 5.

INDUSTRIES.	NUMBER EMPLOYED.		AVERAGE DAILY EARNINGS.		
	1899.	1901.	1899.	1900.	1901.
I. Building, stoneworking, etc.....	68,586	88,331	\$3 13	\$3 11	\$3 20
II. Clothing and textiles.....	24,666	29,940	2 21	2 19	2 42
III. Metals, machinery, etc.....	23,626	34,099	2 67	2 61	2 68
IV. Transportation.....	22,539	32,660	2 35	2 32	2 23
V. Printing.....	14,435	16,067	3 24	3 26	3 24
VI. Tobacco.....	6,840	7,532	1 84	1 88	1 93
VII. Food and liquors.....	7,786	8,628	2 28	2 32	2 42
VIII. Theaters and music.....	5,812	5,490	5 10	4 91	4 66
IX. Woodworking.....	6,673	7,827	2 42	2 53	2 67
X. Restaurants and retail trade.....	307	5,920	1 96	1 87	2 00
XI. Public employment.....	3,712	8,060	2 49	2 35	2 52
XII. Miscellaneous.....	8,097	5,681	2 12	1 93	1 91
All Industries	190,719	245,220	\$2 77	\$2 71	\$2 77

This table shows at once that the decline in 1900 was general; only the smaller groups (V, VI, VII and IX) show an advance, while the larger groups all shared in the decrease. In the summer of 1900 the high price of building material, it will be remembered, checked industrial activity; in the temporary dulness of that period, more men were employed

at the minimum union rates and fewer at the maximum. The average earnings of bricklayers and masons, carpenters and painters declined from those of the corresponding period in 1899, as did also the earnings of cloakmakers, railway engineers and trainmen, longshoremen and other large bodies of union workmen.

TABLE 6.

	AVERAGE DAILY EARNINGS OF MEN IN THE THIRD QUARTER OF—		
	1899.	1900.	1901.
<i>Group I.</i>			
Bricklayers and masons.....	\$4 08	\$3 98	\$4 38
Carpenters.....	3 08	3 00	3 07
Painters.....	3 19	3 00	3 10
Plumbers.....	3 46	3 66	3 47
<i>Group II.</i>			
Cloakmakers.....	2 27	2 07	3 08
<i>Group III.</i>			
Iron molders.....	2 76	2 82	2 83
Machinists.....	2 48	2 49	2 51
Stationary engineers.....	2 93	2 93	3 89
<i>Group IV.</i>			
Locomotive engineers.....	3 62	3 50	3 61
Locomotive firemen.....	2 13	2 24	2 26
Trainmen.....	2 06	2 04	2 05
Street railway men.....	1 64	1 71	1 69
Longshoremen.....	3 00	2 97	2 91
<i>Group V.</i>			
Compositors.....	3 38	3 39	3 33
<i>Group VII.</i>			
Bakers.....	2 05	2 12	2 22
Brewery employees.....	2 39	2 46	2 60

This table shows that the advances in wage rates secured last year by the bricklayers, carpenters, painters, etc., were sufficient to raise the general average earnings in 1901; but in a few trades the increase gained by some of the unions did not prevent a slight decline in the general average, notably the plumbers, stationary engineers, street railway employees, longshoremen and compositors. Such anomalies are to be explained by the organization in those trades of new unions in which the rate of wages was below the average and thus counter-balanced the gains reported by some of the unions.

This also explains why the average daily earnings for all trades in the third quarter were no higher in 1901 than in 1899, although nine of the twelve groups of trades enjoyed an advance. The more highly skilled and highly paid trades did not grow as rapidly as the poorly paid trades. Thus the three groups of trades (building, printing, theatrical) in which the earnings are above the average, constituted only 43 per cent of the aggregate membership in 1901 as compared with 46 per cent in 1899. Another contradiction appears in the earnings of iron molders. The table of changes in rates shows that there were more decreases than increases reported in this trade, the net result being 'an average weekly loss of 55 cents. But that table exhibits only changes in the scale of wages; without any change at all in the scale, it is possible for the average to be raised simply through the employment of more men at the existing maximum rates.

ANNUAL INCOME OF ORGANIZED WAGE-EARNERS.

In order to ascertain the real income of wage-earners it is necessary to know the regularity or amount of their employment, as well as the rate of wages. This is shown in the following table:

TABLE 7.
AVERAGE NUMBER OF DAYS WORKED BY MEMBERS OF LABOR UNIONS.

	MEN.				WOMEN.			
	First quarter.	Second quarter.	Third quarter.	Fourth quarter.	First quarter.	Second quarter.	Third quarter.	Fourth quarter.
1897.....	58	69	67	65	63	57	66	56
1898.....	62	61	65	63	61	58	64	65
1899.....	64	70	71	68	68	72	71	69
1900.....	66	....	67	....	65	....	65	....
1901.....	67	....	70	....	63	....	66	....

Confining attention to the men, we observe that the duration of employment has on the whole been increasing since 1897. In the first quarter the best showing is made in 1901, but for the third quarter 1901 is not quite equal to 1899. The explanation of the fluctuations depends somewhat upon the figures for the several industries given below:

TABLE 8.

AVERAGE NUMBER OF DAYS EMPLOYED (MEN ONLY) IN THE THIRD QUARTER OF 1899, 1900 AND 1901.

	Number employed. 1901.	AVERAGE NUMBER OF DAYS WORKED.				
		New York State			New York City.	Interior towns.
		1901.	1900.	1899.	1901.	1901.
I. Building, stoneworking, etc.....	83,321	67	60	70	66	71
II. Clothing and textiles.....	29,940	56	54	68	54	65
III. Metals, machinery, etc.....	34,099	75	74	76	75	75
IV. Transportation.....	32,660	79	76	76	75	83
V. Printing, binding, etc.....	16,067	70	69	68	61	76
VI. Tobacco.....	7,533	71	71	73	68	75
VII. Food and liquors.....	8,623	77	67	75	75	79
VIII. Theaters and music.....	5,490	72	65	60	74	66
IX. Woodworking and furniture.....	7,827	70	71	71	69	73
X. Restaurants and retail trade.....	5,920	79	77	72	75	81
XI. Public employment.....	8,060	84	86	89	83	91
XII. Miscellaneous.....	5,681	73	68	67	73	72
Total—Men.....	245,220	70	67	71	67	76
Total—Women.....	13,587	66	65	71	63	71

With only two exceptions (wood working, public employment), all the groups exhibit a higher average number of days worked in the third quarter of 1901 than in 1900; but with respect to 1899 the superiority is not so marked, as one-half the groups have the higher average in 1899 and one-half in 1901. The most noticeable difference is in the clothing and textile trades, the members of which averaged 68 days of employment in July, August and September, 1899, as compared with 56 days in those months of 1901. On the other hand, the members of organizations in the transport trades averaged 79 days in the present quarter and only 76 in 1899; in theatrical and musical trades 72 days this year and 60 in 1899; restaurant and retail trade, 79 and 72 respectively, etc.

Inasmuch as earnings depend first of all upon the duration of employment, it is natural when comparing the present year with previous years to look for about the same results as were reached in the paragraphs upon employment, thus:

TABLE 9.

DISTRIBUTION OF EACH 100 MALE MEMBERS OF LABOR ORGANIZATIONS ACCORDING TO AMOUNT OF QUARTERLY EARNINGS.

Grades.	FIRST QUARTER.			THIRD QUARTER.		
	1899.	1900.	1901.	1899.	1900.	1901.
Less than \$75.....	5.7	6.1	6.5	2.5	4.5	2.3
\$75-\$149.....	28.7	29.1	26.6	23.1	34.0	23.6
\$150-\$224.....	45.4	41.9	41.1	41.9	47.1	42.9
\$225.....	20.2	22.0	25.8	33.5	14.4	32.2
	100	100	100	100	100	100

In the first quarter of 1901 there was a much larger proportion who earned the higher amounts and a smaller proportion receiving the low wages than in 1899 or 1900. But in the third quarter, the advantage is with 1899 rather than with 1901, while 1900 is again inferior to the other two years. These facts are also brought out in comparison of the average earnings which can be carried back to 1897:

TABLE 10.

AVERAGE QUARTERLY EARNINGS OF MEMBERS OF LABOR UNIONS.

Year.	MEN.				WOMEN.			
	First quarter.	Second quarter.	Third quarter.	Fourth quarter.	First quarter.	Second quarter.	Third quarter.	Fourth quarter.
1897.....	\$155	\$139	\$174	\$175	\$36	\$81	\$92	\$74
1898.....	164	168	175	169	75	77	82	98
1899.....	172	191	197	184	96	91	117	116
1900.....	176	....	182	....	107	....	107	....
1901.....	183	....	194	....	105	....	110	....

A comparison of this table with table 5 shows the close dependence of earnings upon duration of employment. Thus in the first quarter there is a steady increase from 1897 to 1901 in the average number of days worked by the men, and a similar increase in their average earnings. In the third quarter, 1899 has the largest number of days worked and likewise the largest earnings, while 1901 with 1 day less of employment has also \$3 less in the per capita earnings. This small difference in favor of 1899 is explained by greater activity and longer employment in the building trades of New York City in that year, thus:

TABLE 11.

	AVERAGE DAYS WORKED.		AVERAGE QUARTERLY EARNINGS.	
	1899.	1901.	1899.	1901.
Group I. Building and construction.....	70	67	\$219 35	\$213 96
Groups II-XII All other trades.....	72	72	184 74	183 39

In order to facilitate comparisons between different years, it is necessary to obtain an average of the four quarters in each year. This is done, not simply by adding together the four quarterly averages and dividing the sum by four, but by adding together the aggregate earnings for the four quarters and dividing the sum by the total number employed. This operation yields the followings results:

TABLE 12.

	Men employed.	Aggregate annual earnings.	Average quarterly earnings of each man employed.
1897.....	538,298	\$86,471,589 00	\$165 [\$164]
1898.....	599,011	101,188,517 55	169 [169]
1899.....	701,236	131,160,491 89	187 [187]
1900 (3 qrs.).....	406,758	72,873,773 01	179 [179]
1901 (2 qrs.).....	445,386	84,198,483 10	189 [189]

It will be observed that for the last two years statistics are wanting for two of the four quarters; but this incompleteness does not entirely prevent comparisons since the two quarters lacking (second and fourth) form about the same combination of summer and winter work as do the first and third quarters, for which data exist in each of the five years. Thus the figures for these two quarters alone (the numbers enclosed in brackets in the last column) yield the same quarterly average as those for four quarters in 1898 and 1899, and nearly the same average in 1897. These bracketed figures therefore will best serve for comparative purposes and form the basis of the following percentages of increase and decrease:

	1897-98.	1898-99.	1899-00.	1900-01.	1897-1901.
Per cent.....	4	12	4 decrease	5	16

Thus the average earnings of organized working men in 1898 were 4 per cent greater than in 1897; in 1899 they gained another 12 per cent, but in 1900 lost 4 per cent, while in 1901 they gained 5 per cent, so that at the latter date they were 16 per cent higher than in 1897. Or, if the average earnings of 1897 be taken as a standard of measurement and the earnings of succeeding years expressed in terms of this standard, the result will be as follows:

	1897.	1898.	1899.	1900.	1901.
Earnings.....	100	104	115	110	116
Wholesale prices...	100	107	118	126	126

A second line shows the rise in prices on July 1, the middle of each year. While earnings have in five years increased 16 per cent, wholesale prices have increased 26 per cent. It is improbable that retail prices have increased at the same rate, especially in the case of manufactured articles; thus, while the price of hides has greatly increased recently, no perceptible advance has been recorded in the price of boots and shoes, and clothing (even as to wholesale prices, raw materials included) has advanced only 9 per cent. On the other hand, meat, dairy and garden products have increased 26 per cent in price, and breadstuffs 41 per cent and these advanced wholesale prices for food must necessarily be reflected to a considerable extent in retail prices. It therefore seems safe to say that the cost of living has increased since 1897 at least as much as the earnings of labor.

MEMBERSHIP OF NEW YORK UNIONS.

In 1894 the number of labor unions that reported to the Bureau was 860; in 1901, it had increased to 1,881, which is a gain of 119 per cent. In the same period the membership has increased from 157,197 to 276,141, or by 76 per cent, thus:

TABLE 13.
ORGANIZATIONS. MEMBERSHIP.

	Number.	Increase.	Men.	Women.	Total.	Increase (+) or decrease (-)
1894. July 1.....	860	.....	149,709	7,488	157,197	.....
1895. July 1.....	927	67	170,129	10,103	180,231	23,034+
1896. October 31.....	962	35	.....	.....	170,296	9,925—
1897. September 30.....	1,009	47	162,690	5,764	168,454	1,842—
1898. September 30.....	1,067	78	163,562	7,505	171,067	2,613+
1899. September 30.....	1,820	233	300,932	8,068	209,020	37,958+
1900. September 30.....	1,635	315	232,558	11,828	245,381	36,361+
1901. September 30.....	1,881	246	261,523	13,618	276,141	30,760+
1900. December 31.....	1,679	44	232,080	10,404	242,484	2,897—
1901. March 31.....	1,748	64	234,792	10,123	244,915	2,431+
1901. June 30.....	1,805	62	244,648	10,982	255,630	10,715+
1901. September 30.....	1,881	76	261,523	14,618	276,141	20,511+

In the official year ended September 30, 1899, the increase in membership was 38,000; in 1900, 36,000; and in 1901, 31,000. The rate of increase has therefore declined in 1901 as compared with 1899, or even 1900; and the fact that nearly one-half the increase in 1901 was in the clothing trades, wherein unstable conditions are proverbial, indicates that the recent rapidity of growth is hardly likely to be maintained.

Another incident of the expansion of trade unions in the garment-making industry is the large gain in the number of organized workingwomen, who are mainly restricted to the clothing and tobacco trades. In 1897 only 3.4 per cent of the members of labor organizations of this State were women; but in 1901 the proportion had risen to 5.3 per cent. This proportion is the largest found in any year since 1895, when the garment trades of New York City were more thoroughly organized than they have been since, thus:

TABLE 14.
AGGREGATE MEMBERSHIP OF LABOR ORGANIZATIONS, 1894-1901, BY INDUSTRIES.*

Industries.	1894.	1895.	1896.	1897.	1898.	1899.	1900.	1901.
Building, stone-working, etc.....	49,056	53,613	56,294	53,273	59,641	71,067	80,441	85,401
Clothing and textiles.....	30,162	51,921	30,063	32,147	26,423	29,714	28,866	41,883
Metals, machinery and shipbuilding.	9,860	11,376	13,010	13,991	16,236	24,014	31,371	35,562
Transportation.....	18,197	18,191	23,031	23,014	18,090	24,668	20,854	34,371
Printing, etc.....	11,059	11,998	13,848	13,313	15,045	16,083	17,117	17,966
Tobacco.....	8,723	9,089	9,799	9,097	8,889	8,886	12,349	16,210
Food and liquors.....	5,661	6,541	7,508	6,995	6,812	8,391	9,430	9,451
Theaters and music.....	5,638	7,327	7,306	6,920	9,946	9,518	9,898	11,688
Wood-working, furniture.....	5,329	4,632	4,218	4,205	4,894	6,688	8,176	8,260
Restaurants, retail trade.....	1,243	1,529	2,087	1,843	2,174	3,207	5,308	6,804
Public employment.....	1,964	1,964	993	1,667	1,880	3,727	7,148	8,142
Miscellaneous.....	1,256	2,030	2,114	1,989	1,937	3,123	4,728	6,383
Total.....	157,197	180,231	170,296	168,454	171,067	209,020	245,381	276,141

*The dates to which these figures relate are July 1 in 1894 and 1895, October 31 in 1896 and September 30 in the subsequent years.

Table 2 shows that all but two of the groups of trades attained their largest growth in 1901; in the tobacco trades this year's membership was smaller than that of 1900, and in the clothing trades, as just observed, the maximum was reached in 1895. Most of the trades have gained steadily from year to year; exceptions are the clothing trades, transportation (which in 1898 lost about 5,000 members as a result of the tem-

porary disbandment of New York City longshoremen's unions), wood-working and furniture trades, and public employment, which lost ground between 1895 and 1898.

UNEMPLOYMENT.

During the past year, the relative amount of unemployment among members of labor organizations was smaller than it has been in any recent year with the possible exception of 1899:

TABLE 15.
NUMBER AND PERCENTAGE OF MEMBERS OF LABOR ORGANIZATIONS IDLE IN EACH OF THE FOUR QUARTERS.

	NUMBER.				PERCENTAGE.			
	First.	Second.	Third.	Fourth.	First.	Second.	Third.	Fourth.
<i>A. At end of quarter.</i>								
1897.....	43,654	27,378	23,230	39,358	30.6	18.1	13.8	22.6
1898.....	37,857	33,643	22,485	46,608	21.0	20.7	10.3	26.7
1899.....	31,751	20,141	9,590	41,698	18.3	10.9	4.7	19.4
1900.....	44,336	49,399	31,460	49,110	20.0	20.6	13.3	22.0
1901.....	42,244	29,181	18,617	.....	18.5	11.9	6.9	.....
<i>B. Throughout entire quarter.</i>								
1897.....	35,381	17,877	10,893	10,132	24.8	11.8	6.5	5.8
1898.....	18,102	10,272	9,734	15,477	10.1	6.0	5.7	8.9
1899.....	22,658	6,730	4,790	10,238	13.1	3.7	2.3	4.6
1900.....	22,895	22,541	12,926	10,484	10.1	9.4	5.4	4.4
1901.....	26,841	5,574	8,340	.....	11.3	2.3	3.1	.....

BUREAU OF MEDIATION AND ARBITRATION.

The Bureau does not claim completeness for its statistics of disputes, as it was found impracticable to secure reports concerning the innumerable local differences of minor importance. But all the larger strikes or lock-outs are covered, with the exception of the machinists' strike in May for the shorter work-day. In a great many cases the local unions of machinists made their own settlements with employers and by mutual agreement declined to make public the terms of settlement.

STATISTICS OF STRIKES AND LOCKOUTS.

[See Table 19 in the Appendix.]

In the appendix will be found a table of the strikes and lockouts that occurred between January 1 and September 30, 1901. The total number of disputes recorded in those nine months was 126, involving 649 firms or establishments and 44,823 employees out of 62,536, the number employed before the dispute. The number of active participants in strikes or lockouts was 22,057, while 22,766 additional employees were thrown out of employment as the result of disputes. The duration of all disputes, measured by the aggregate number of working days lost by employees, was 815,079, of which 497,446 days were lost by those directly and 317,633 days by those indirectly affected. Of the 649 establishments involved, 504 suspended work for a longer or shorter period.

Four strikes of large dimensions account for one-half of the unemployed workmen and aggregate days of duration, namely, the strike in the Troy shirt and collar factories, that of the bricklayers in New York City, the

New York City vaudeville actors and the Rochester building and street laborers, thus:

Troy, 17 shirt and collar factories, 7,700 employees, duration.....	190,000 days
New York, Builders' Association (125 firms), 2,500 bricklayers and 10,000 others, duration	97,800 days
New York, 12 theaters, 3,000 actors and 200 others, duration.....	83,000 days
Rochester, Contractors' Association (80 firms), 1,200 laborers, duration	45,000 days

The total number of employees affected by these four strikes was 24,600 and their aggregate duration in working days was 415,000. If to these be added the general machinists' strike and the Albany and Troy street railway strike, which affected 1,000 employees but lasted only 11 days (aggregate duration 11,121 days), the principal events will be covered.

The causes and results of disputes are indicated in the following table:

Cause.	NUMBER OF DISPUTES IN WHICH THE WORKMEN WERE				NUMBER OF EMPLOYEES DIRECTLY AFFECTED BY DISPUTES IN WHICH WORKMEN WERE			
	Successful.	Partially successful.	Unsuccessful.	Total.	Successful.	Partially successful.	Unsuccessful.	Total.
Increase of wages	21	10	14	45	2,280	2,716	866	5,842
Hours of work	9	9	13	31	600	1,737	1,627	3,964
Trade unionism	11	2	14	27	1,121	1,060	956	3,137
Payment of wages	2	2	.....	4	2,522	1,509	.....	4,031
Reduction of wages.....	2	.....	1	3	3,083	.....	300	3,383
Employment of particular persons .....	.....	.....	1	1	.....	.....	15	15
Working arrangements	2	1	5	8	408	5	269	702
Sympathetic disputes .....	.....	.....	3	3	.....	.....	918	918
Miscellaneous	1	1	2	4	8	6	111	125
Total	48	23	53	126	9,952	7,023	5,084	22,057

Measured by aggregate duration in working days, the causes of trade disputes ranked as follows: For increase of wages, 136,278 days; for reduction of hours of work, 110,027 days; against reduction of wages, 85,568 days; sympathetic strikes or lockouts, 58,926 days; method of paying wages, 48,608 days; trade unionism, 44,522 days; working arrangements or shop rules, 11,656 days; miscellaneous, 1,848 days; employment of particular persons, 23 days.

Of the 126 disputes, 48 resulted in favor of the workmen, 53 in favor of the employers and 25 were compromised. Measured by aggregate duration in days, the disputes resulting in favor of the workmen involved the loss of 152,384 days, in favor of employers 166,946, compromised 178,116. But it is to be remarked that the compromises were almost invariably partial victories for the workingmen, since a compromise of demands made by them leads to some gain upon previously existing conditions.

WORK OF THE BOARD.

[See Table 20 in the Appendix.]

A tabular statement of the activity of the Bureau shows that in the nine months intervention was made in 17 disputes. As a general rule such intervention was made upon the Board's initiative, but in one instance the intervention was made upon the request of the employer and

In two instances upon the request of the employees. The activity of the Board was entirely in the direction of mediation or conciliation; that is, it consisted in offering its good offices towards bringing together the disputants in conference or towards the formation of terms that would be acceptable to both sides. In ten of the seventeen cases the intervention of the Board might be termed mediation; in three of these disputes the Board was unable to induce the disputants to confer with each other, in four cases conferences were arranged by the Board but no settlement arrived at, and in three cases conferences were arranged which resulted in the termination of the dispute. In seven cases the efforts of the Board were directed not so much towards arranging conferences between the parties in dispute as towards arranging satisfactory terms of settlement, and in three of the seven disputes the Board assisted in terminating the disagreement. No dispute was referred to the Board for arbitration in the period covered by this report.

DECISIONS OF NEW YORK COURTS.

The Eight Hour Law.

In the December BULLETIN mention was made of several violations of the law prescribing eight hours as the maximum working time per day on public works, which had been referred by the Commissioner of Labor to various district attorneys for prosecution. As therein noted (page 312) the indictment against an Ithaca contractor was dismissed by Judge Mattice of the Supreme Court, at the December term in Tompkins county, on the ground that the statute is unconstitutional. On February 13, the indictment in one of the Orange county cases, was dismissed on similar grounds by Judge John J. Beattie of the Orange County Court. The case was against the Orange County Road Construction Company, which had a contract from the board of supervisors of that county to construct new roads under the State road act, and had been employing its men ten hours a day. On September 13, 1901, the Commissioner of Labor, to whom complaint had been made and by whom it was sustained, turned over the evidence to the district attorney of Orange county. His assistant brought it before the grand jury, who indicted the president of the company.

In dismissing the indictment, Judge Beattie relied upon the authority of the case of *Rodgers vs. Coler*, thus:

The question considered here was not directly involved in the recent case of the *People ex rel Rodgers vs. Coler*, 166 N. Y. 1, but the prevailing opinion of the court deals so comprehensively with the subject of labor legislation and is so decidedly adverse to its validity that I feel bound upon principle and authority to decide that the law under which the defendant was indicted is unconstitutional and void.

The decision holds such laws to be class legislation and therefore invalid; but as it is purely a local decision, there is no need of further quotation. Commissioner McMackin has requested the assistant district attorney to appeal the case.

Dismissal of Indictment Charging a Union Official With Maliciously Circulating False Rumors.

In the December BULLETIN (pages 315-317) an account was given of the indictment, in Chautauqua county, of George M. Guntner, an officer of the Amalgamated Woodworkers' International Association. As then noted, Judge Fisher on November 26 dismissed the indictment which charged Mr. Guntner with being a public nuisance, but overruled the demurrer to the indictment charging him with circulating false rumors for the purpose of affecting the price of stocks and bonds of Jamestown corporations, and held him to await trial at the county court December 9, 1901. In December the case was put over until the February term at the instance of the district attorney, but in February the district attorney was still unprepared to try the case and agreed to drop the prosecution. The court accordingly dismissed the indictment.

Injunction to Prevent Illegal Acts of a Trade Union.

The Supreme Court at the New York Special Term on October 31, 1901, granted an order vacating a preliminary injunction which had been granted against the Amalgamated Painters and Decorators' Union restraining them from doing certain acts which had been threatened and which, it was averred, would interfere with the property, rights and business of the plaintiff. The refusal of the Supreme Court to continue the injunction was based upon the authority of *National Protective Association v. Cumming* (53 App. Div., 227; see BULLETIN, vol. 2, p. 237) in which the Appellate Division had held that the members of a labor organization had a right to refuse to permit its members to work with members of a rival organization and might demand that they be discharged, or use persuasion to induce persons not to work with the members of a rival organization, and demand of an employer that he discharge such persons, so long as nothing was done which involved the use of force beyond such as might be implied from a threat to abandon the work, and they did nothing to create a breach of the peace.

From the vacating order an appeal was taken to the Appellate Division in the First Department, where by unanimous

decision the order was reversed and the injunction granted. The ground of the reversal was simply that the case of *National Protective Association v. Cumming* furnishes no authority for a resort to fraud, intimidation, force or threats beyond the limits stated therein, whereas in the case in hand the union was guilty of acts which were unlawful and unauthorized for the protection of any rights of which they are or deem themselves possessed, and that in view of these unlawful acts the plaintiff, a painting contractor, was entitled to the injunction restraining the defendant from interfering with his business by resort to intimidation, force or fraud, or by such acts preventing members of the union or others from working for him. (*Beattie v. Callanan*, 67 App. Div., 14.)

Laborer and Veteran Under State Civil Service Law.

In the case of *Sweet v. Partridge* the Appellate Division of the Supreme Court has given a decision to the effect that honorably discharged soldiers have no right to preference in appointment to positions as unskilled laborers under the State Civil Service Law. Sweet sought to recover damages by reason of the failure of the State Superintendent of Public Works to appoint him as lock tender on the Erie canal, claiming that as an honorably discharged soldier of the civil war he had a right to the place under the "veterans" clause of the Civil Service Law (Laws of 1899, chap. 370, sec. 20). The Supreme Court dismissed the complaint and the judgment is unanimously affirmed by the Appellate Division.

The veterans clause of the Civil Service Law provides that "honorably discharged soldiers, sailors and marines * * * shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made, provided their qualifications and fitness shall have been ascertained as provided in this act, and the rules and regulations in pursuance thereof." The court's decision against Sweet is based upon the ground that as he sought appointment as a "laborer," a position for which under section 9 of the law no examination or registration could be required, there was no list upon which the appellant could get or have any standing and there was no way in which

his qualifications and fitness could be ascertained. "The statute in its language follows the constitution," says the opinion by Judge Williams, "and the difficulty with the appellant under both is, that he can claim preference only in case his qualifications and fitness shall have been ascertained as provided in the act and the rules and regulations in pursuance thereof, and that could not be done under the act or such rules or regulations. * * * The class of unskilled laborers under the act were favored by being exempted from examination as to qualifications and fitness, and by such favor they were taken out of the provision for preference for employment provided by section 20 of the act." (66 App. Div., 309.)

Employers' Liability.

ASSUMPTION OF RISK WHERE SAFEGUARDS REQUIRED BY LAW ARE NOT PROVIDED.—The Appellate Division in the Second Department at its November term rendered a decision in *Burns v. Nichols Chemical Co.*, which maintains that the failure of an employer to provide the safeguards required by factory acts or municipal ordinances does not preclude assumption of the risks of employment by a servant.

In the case in question *Burns* was injured by a fall through an elevator opening in a platform upon which he was regularly employed. The elevator openings were provided with trap doors which when closed were level with the floor and the only means of access to the platform was by the elevators. There were, however, no guards about the openings such as an ordinance of New York City, where the accident occurred, required.

At the trial the court charged the jury that the plaintiff did not assume the obvious risks of the situation, as claimed by the defendant, unless the defendant had performed all the duties that the law imposed upon him and that as it was the defendant's duty to put up guard rails the plaintiff did not assume the risk of their absence and on that ground the jury returned a verdict for the plaintiff. But the Appellate Division holds in a unanimous decision that such a charge was error, setting forth the grounds therefor by quoting the decision of the Court of Appeals in *Knisley v. Pratt* (148 N. Y., 372) in part as

follows, the accident in that case having been caused by cog wheels not guarded as required by the Factory act:

"In order to sustain the judgment in favor of plaintiff it is necessary to hold that where the statute imposes a duty upon the employer, the performance of which will afford greater protection to the employee, it is not possible for the latter to waive the protection of the statute under the common law doctrine of obvious risks. We regard this as a new and startling doctrine, calculated to establish a measure of liability unknown to the common law and which is contrary to the decisions of Massachusetts and England under similar statutes. . . . An action for such injury is the ordinary common law action for negligence, and subject to the rules of common law. The principle contended for seems to rest, if it can be maintained at all, upon a question of public policy. The Factory Act, it is said, is passed to regulate the employment of women and children, and imposes upon the employer certain duties and subjects him to specified penalties in case of default; that a sound public policy requires the rigid enforcement of this act, and it would contravene that policy to permit an employee, by implied contract or promise, to waive the protection of the statute. We think this proposition in essentially unsound and proceeds upon theories that cannot be maintained. . . . We are of opinion that there is no reason in principle or authority why an employee should not be allowed to assume the obvious risks of the business as well under the Factory Act as otherwise." (65 App. Div., 424).*

Negligence of Employer.—James Welsh, while in the employ of J. B. and J. M. Cornell, was injured by the breaking and falling of a clamp to which was attached the guy rope of a derrick, Welsh being at work under the rope and in front of the post to which it was attached by the clamp. Suit was brought by Welsh on the ground that the clamp was defective and the defendant was therefore guilty of negligence in allowing the plaintiff to work with an unsafe appliance. The trial court dismissed the complaint, but this judgment was reversed by the Appellate Division. On November 26th, however, the Court of Appeals unanimously reversed the decision of the Appellate Division and affirmed that of the trial court dismissing the complaint. The grounds for this disposal of the case were that the only facts established by any tangible or substantial proof were the plaintiff's injury and that it was caused by the falling of a piece of the broken clamp; that there was no proper proof, direct or inferential, that the clamp was made of defective iron or was defectively made, or that it was not properly maintained

*As this decision reversed judgment of a lower court, the case is open to appeal as of right to the Court of Appeals.

except such as might be inferred from the fact that it gave way, and that the evidence of experts to the effect that the clamp would not have broken unless in some way defective, and that such defect might have arisen from one of several causes, none of which were proved to exist, was not sufficient to show negligence on the employer's part. (168 N. Y., 508).

Negligence of Employer—Alter Ego of Master—Fellow Servant.—At the December term of the Appellate Division in the Second Department the judgment of the lower court for the defendants in *Brown v. Terry* was unanimously sustained; the decision as summarized by the official report being as follows:

In an action brought to recover damages for personal injuries sustained by the plaintiff, it appeared that the defendants, who were engaged in the business of altering and repairing steamships, sent one O'Rourke, a skilled and competent foreman employed by them to a steamer, with directions to make all the repairs ordered by the engineer of the steamer: that in pursuance of authority conferred upon him by the defendants, O'Rourke hired the plaintiff to assist him; that, acting under instructions from the engineer, O'Rourke and the plaintiff went into the fire room to repair a broken band on a ventilator which consisted of a tube of boiler iron thirty-two feet long and two feet in diameter, made in two sections riveted together, and extended from the deck to the fire room; that while they were replacing the band, an operation which caused some strain to be placed upon the ventilator, a section of the ventilator fell to the floor injuring the plaintiff; that upon examination it was found that some of the rivets of the ventilator had broken off.

Held, that the ventilator was not a tool, implement or appliance within the meaning of the rule requiring an employer to furnish his employees with adequate and suitable tools and equipments, and that the fire room was a safe place, and that if it became unsafe it was the fault of the persons employed and not of the defendants;

That the engineer of the steamer was not the *alter ego* of the defendants;

That O'Rourke was a mere fellow servant of the plaintiff and did not stand in the place of the defendants;

That if the accident was attributable to the strain placed upon the ventilator while replacing the band, or to the failure to inspect and repair the ventilator before removing or replacing the band, the defendants were not liable therefor. (67 App. Div., 223).

LABOR NOTES.

Kansas Eight Hour Law Sustained.

In 1891 Kansas enacted a law (Chap. 114) prescribing eight hours as the maximum workday on all public works. This law has been sustained in a decision given by the Supreme Court of the State, January 11, 1902. By reason of the similarity of circumstances to those in New York, in which the validity of the eight-hour law is contested (so far at least as it applies to municipal corporations), the Kansas case (the State of Kansas v. Atkins) deserves attention.

The defendant, who had entered into a contract with the authorities of Kansas City for paving a public street, was charged with having unlawfully permitted an employee to work for him more than eight hours per day. The principal defense made by his attorney was that the city in awarding this contract to Atkins was not exercising governmental, but quasi-private power, in the exercise of which it was governed by the same rules that apply to an individual or private corporation; and that the legislature does not possess power to impose conditions which restrict the freedom of contract guaranteed by the constitution to individuals. This contention, however, was not accepted by the court, which said:

"It is and always has been the duty of the state to lay out and improve highways of travel. The performance of this duty in cities rests on the state with equal obligation that it does in unincorporated country districts. The statute gives countenance to this duty upon the state when it places the fee of city streets in the county. The obligation to lay out and improve highways of travel is imposed on the state in its general political capacity, and it follows that the legislature may control the work necessary in performing this public duty by whatsoever agency may be employed in carrying it out. It may prescribe the plans for the highway in either city or county and regulate the hours of work required to complete such plans. * * *

"The city, in contracting to pave Quindaro boulevard, exercised delegated authority, and acted as an agent for the state. The latter did not, by authorizing the mayor and council to lay the pavement, surrender its paramount authority over the control of the city streets. If the state had been doing this work, it cannot be denied that it might at its pleasure have given the current rate of per diem wages in the city for eight hours' work performed by any of its servants."

From the closing sentence it appears that the court assumed without question the competency of the legislature to prescribe the conditions under which the agents of the State might award contracts for public work. The court also finds no force in the objection that the cost of the work to taxpayers or abutting property owners may be enhanced by the restrictive provisions of the law reducing the hours of labor. "If the work had been done by the State itself," said the Court, "which as we have shown has supreme authority in such matters, the property owners could not complain that it employed and paid its servants conformably to the statute in question."

This decision of the Supreme Court affirming the judgment of the inferior court was unanimous.

Old Age Pension System Established by the Metropolitan Street Railway Company.

President H. H. Vreeland, of the Metropolitan Street Railway Company of New York city on March 6th notified its 15,000 employees of the establishment of a retirement and pension system, which is to be put into effect on or before July 1, 1902. The system will benefit all employees earning less than \$1,200 a year who have served the company for 25 years or more and attained the age of 65 years. The essential features of the proposed system are outlined by the president as follows:

This pension system provides for voluntary and involuntary retirement of all employees included, between the ages of 65 and 70, after 25 years service in the Metropolitan Street Railway Company or any of its constituent companies. Employees benefited by the system will be of two classes.

First. All employees who have attained the age of 70 years, who have been continuously in such service for 25 years or more, preceding such date of maturity; and

Second. All employees from 65 to 69 years of age, who have been 25 years or more in such service, who in the opinion of the trustees of the pension have become physically disqualified.

All employees of 70 years will be considered to have attained a maximum age allowed for active service, and will be retired by age limit, while those whose ages range from 65 to 69, may, upon examination, be retired under pension if found incapable.

The pension allowance to such retired employees shall be upon the following basis:

a. If service has been continuous for 35 years or more, 40 per cent of the average annual wages for the ten previous years.

b. If service has been continuous for 30 years, 30 per cent of the average annual wages for the ten previous years.

c. If service has been continuous for 25 years, 25 per cent of the average annual wages for the ten previous years.

The fund from which payments will be made will be appropriated each year by the company and employees will not be required to contribute to it.

Views of a New Zealand Trade Union Official Regarding the Industrial Conciliation and Arbitration Act.

Through the courtesy of Organizer John H. Maxwell, of New York Typographical Union No. 6, the Department is enabled to print below the views of a prominent New Zealand trade union official as to the operation of the Industrial Conciliation and Arbitration Act, passed there in 1894, the main features of which have already been fully considered in a previous BULLETIN [No. 3, for December, 1899, at page 177]. These views, which reflect generally the attitude of the organized workers of the Colony toward the compulsory provisions of the statute, are contained in a letter received by Mr. Maxwell from J. W. Roberts, Secretary of the Canterbury Typographical Association of Christchurch, who writes:

"Regarding your query as to how the Arbitration Court affects printers, I can only answer so far as my observation goes. The Arbitration Act may practically be said to be standing its trial, and must not be regarded as perfect by any means. Each session since its adoption amendments have been introduced, in many cases with good effect, but still other amendments are yet needed, and will probably be made ere long; therefore, till we get an act that will stand on the statute book for a couple of sessions without alteration it is hard to say whether it is a totally good act or not. So far the effect of the act has been to establish unions among workmen, and to a lesser degree among masters. Strikes are impossible, and also lockouts. The wages of the poorer class of workmen have in many cases been raised to a fair minimum, and the hours of labor, number of apprentices, and minor details have been placed on an undisputed basis. In the case of weekly wages the poor (or slow) man has been taken as the gauge on which the wage shall be fixed, but in the case of piecework the fast man's average is taken as the gauge. You may think this unfair, but still it applies to a goodly number of the awards given. Another way the Arbitration Act works is this: if an award is given in one town, and the same trade applies for an award in another town, the same award will be given unless conditions of living or work are different in the last-named town; very little (if any) notice

will be taken of whether the union in the first-named town made out a good case or not. These are one or two of the anomalies of the act. The good points, as I have said, are that the slow workman gets a living wage, and does not have to do any individual bargaining for it. The unions also are saved a lot of expense by the fact that in cases of dispute work goes on without interruption till the award is given, which then becomes enforceable by law, and penalties are provided for.

"Speaking generally I think the act has proved a great blessing to New Zealand workmen, and many unions have yet to take advantage of it. As a natural consequence it must be of benefit to employers, for if depression follows the prosperous times we are now enjoying they will have a right to ask that the wages of their workmen be reduced, and they will secure this without having the expense and annoyance of a strike forced on top of their business depression. One feature of the act which I think will be altered is the one which brings the officers of the union too prominently before the employers. This is very noticeable in cases of breaches of awards, and I think that if inspectors were appointed to see that the provisions of awards are carried out in the same manner that inspectors do under the Factories Act, a great deal of friction would be removed.

"The act has done a lot for unionism, and, although there are some things that could be improved upon, the unionists of this colony are very solid for retaining it on the statute book."

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TABLE I.—REPORTS FROM 188 REPRESENTATIVE

INDUSTRIES AND TRADES.	Sex.	IDLENESS DURING FOURTH QUARTER.			
		1901.			1900.
		Members reporting.	Number idle.	Per cent idle.	Per cent idle.
1. Building, Stone Working, Etc.	M	28,368	1,076	3.8	10.1
Stone working	M	3,066	76	2.5	18.2
Brick and cement making	M	230	—	—	—
Building and paving trades	M	23,007	896	3.9	10.6
Building and street labor	M	2,065	114	5.5	—
2. Clothing and Textiles	M	16,562	1,126	6.8	16.8
Garments	F	3,353	363	11.2	16.0
Hats, caps and furs	M	14,612	1,050	7.2	19.4
Boots, shoes, gloves, etc.	F	3,001	369	11.0	11.8
Shirts, collars, cuffs and laundry	M	766	—	—	11.2
Textiles	M	770	3	.4	—
Textiles	F	109	—	—	—
Textiles	M	24	21	87.5	—
Textiles	M	390	52	13.3	—
Textiles	F	150	10	6.7	53.3
3. Metals, Machinery and Shipbuilding	M	11,673	113	1.0	1.0
Iron and steel	M	7,266	90	1.2	.9
Metals other than iron and steel	M	1,044	3	.3	—
Engineers and firemen	M	2,947	20	.7	1.3
Shipbuilding	M	416	—	—	—
4. Transportation	M	13,225	599	4.5	5.2
Railroads	M	4,745	40	.9	1.3
Street railways	M	3,860	—	—	—
Seamen, pilots, etc.	M	3,000	500	16.7	29.4
Freight handlers, truckmen, etc.	M	2,120	59	2.8	—
5. Printing, Binding, Etc.	M	9,927	751	7.6	7.5
Printing, binding, etc.	F	300	35	17.5	26.8
6. Tobacco	M	2,033	33	1.6	1.7
Tobacco	F	143	—	—	—
7. Food and Liquors	M	3,220	140	4.3	17.1
Food preparation	M	1,136	82	7.2	33.8
Malt liquors and mineral waters	M	2,084	58	2.8	5.0
8. Theaters and Music	M	1,111	15	1.4	—
Theaters and music	F	7	—	—	—
9. Wood Working and Furniture	M	2,441	43	1.8	7.1
10. Restaurants and Retail Trade	M	1,953	60	3.1	1.0
Hotels and restaurants	F	35	—	—	—
Hotels and restaurants	M	1,810	60	4.6	1.6
Retail trade	M	643	—	—	.1
Retail trade	F	35	—	—	—
11. Public Employment	M	1,833	65	3.5	—
12. Miscellaneous	M	1,286	10	.8	9.2
Glass	M	236	—	—	—
Barbering	M	447	10	2.2	—
Other distinct trades	M	208	—	—	—
Mixed employment	M	397	—	—	32.4
GRAND TOTAL	M	93,632	4,081	4.3	8.2
	F	3,633	398	10.9	16.1
	T	97,270	4,429	4.6	8.5

LABOR UNIONS: (a) UNEMPLOYMENT.

IDLENESS AT THE END OF DECEMBER.				IDLENESS AT THE END OF JANUARY, 1902.							
1901.		1900.		MEMBERS IDLE BECAUSE OF—					Total idle.	Members reporting.	Per cent idle.
Members reporting.	Number idle.	Per cent idle.	Per cent idle.	Slack work.	Weather or lack of materials.	Strike or lockout.	Sickness, accident, old age.	Other causes.			
28,368	7,788	27.5	25.3	2,894	4,879	69	259	26	9,237	27,459	22.6
3,066	755	24.6	26.5	40	1,038	.....	11	.....	1,069	2,909	27.4
230	192	83.5	100.0	.....	118	.....	9	.....	127	142	89.4
23,007	6,415	27.9	23.2	3,854	3,461	49	229	26	7,729	22,034	24.1
2,065	428	20.6	54.0	.....	262	20	10	.....	292	1,714	17.0
16,562	4,068	24.6	47.6	2,301	306	20	272	223	3,222	16,480	19.6
3,863	780	20.1	45.3	390	18	.....	66	53	607	2,810	18.0
14,612	3,890	26.6	58.0	2,200	286	.....	362	213	3,041	14,448	21.0
3,001	655	21.8	44.7	350	18	.....	66	53	477	2,394	19.9
766	12	1.6	17.9	50	20	.....	4	.....	74	788	9.4
770	10	1.3	30.2	.....	.....	.....	.....	.....	.....	820	.....
102	.....	.....	.....	.....	.....	.....	.....	.....	.....	866	.....
24	21	87.5	12.2	.....	.....	20	.....	.....	20	28	71.4
890	185	34.6	49.4	51	20	.....	6	10	87	396	22.0
150	65	43.3	53.8	30	.....	.....	.....	.....	30	150	20.0
11,672	991	8.5	11.2	150	488	12	88	46	*859	11,381	7.5
7,266	855	4.9	12.5	8	38	12	56	37	146	7,210	2.0
1,044	134	12.8	2.2	29	.....	.....	9	9	47	1,005	4.7
2,947	452	15.3	1.5	118	450	.....	23	.....	591	2,747	21.5
416	50	12.0	85.7	.....	.....	.....	.....	.....	*75	419	17.9
12,225	2,484	18.4	17.1	162	2,925	.....	112	23	3,227	12,606	22.7
4,745	195	4.1	6.1	23	25	.....	95	25	168	4,872	3.5
3,380	110	3.3	18.2	4	100	.....	6	.....	110	3,360	3.3
3,000	2,000	66.7	29.4	.....	2,800	.....	.....	.....	2,800	3,000	93.3
2,120	129	6.1	39.3	135	.....	.....	11	3	149	2,374	6.3
9,927	851	8.6	10.2	824	28	.....	842	20	1,214	10,167	11.9
200	35	17.5	26.8	44	.....	.....	9	.....	46	198	23.2
2,032	315	15.5	14.0	31	28	.....	36	.....	95	2,102	4.5
143	2	1.4	.....	.....	1	.....	2	.....	3	101	5.0
3,220	299	9.3	20.6	154	62	30	11	11	268	3,288	8.2
1,138	167	14.7	41.3	85	4	30	9	11	189	1,103	12.6
2,084	132	6.3	5.7	69	58	.....	2	.....	129	2,183	5.9
1,111	115	10.4	9.9	146	.....	.....	4	.....	150	1,112	12.5
7	.....	.....	.....	.....	.....	.....	.....	.....	.....	6	.....
2,441	453	18.6	11.0	736	20	.....	26	2	784	2,402	22.6
1,953	225	11.5	14.7	143	.....	.....	6	.....	149	1,910	7.3
39	.....	.....	.....	.....	.....	.....	.....	.....	.....	35	.....
1,310	200	15.3	2.0	128	.....	.....	6	.....	134	1,292	10.4
643	25	3.9	6.6	15	.....	.....	.....	.....	15	618	2.4
55	.....	.....	.....	.....	.....	.....	.....	.....	.....	55	.....
1,833	65	3.5	12.3	25	.....	.....	32	10	67	1,833	3.7
1,284	232	18.0	22.2	279	.....	.....	8	.....	287	1,238	22.4
236	20	8.5	47.6	16	.....	.....	.....	.....	16	226	6.8
447	15	3.4	6.4	12	.....	.....	4	.....	16	436	3.7
206	.....	.....	.....	.....	.....	.....	.....	.....	.....	211	.....
397	197	49.6	32.4	251	.....	.....	4	.....	255	400	63.8
98,632	17,886	19.0	25.8	8,845	8,736	131	1,396	376	*19,559	93,023	21.0
3,638	757	20.8	40.2	484	19	.....	60	63	556	2,150	17.7
97,270	18,593	19.1	25.7	9,269	8,755	131	1,456	439	*20,115	96,173	20.9

* Cause not reported (75).

TABLE 2.—REPORTS FROM 188 REPRESENTATIVE UNIONS:

(b) MEMBERSHIP.

INDUSTRIES AND TRADES.	Number unions considered.	Sex.	NEW YORK CITY.			NEW YORK STATE.		
			Sept. 1901.	Dec. 1901.	Jan. 1902.	Sept. 1901.	Dec. 1901.	Jan. 1902.
1. Building, Stone Work- ing, Etc.	49	M	28,108	22,968	22,298	28,498	28,868	27,459
Stone working.....	4	M	3,125	2,910	2,749	3,803	3,066	2,909
Brick and cement making.....	1	M	.....	.....	.....	154	280	142
Building and paving trades.....	39	M	17,488	18,278	18,010	22,284	28,007	22,084
Building and street labor.....	5	M	2,540	1,780	1,589	2,775	2,065	1,714
2. Clothing and Textiles ..	26	M	18,672	14,851	14,782	15,094	10,562	16,480
Garments.....	16	F	2,648	2,886	1,789	3,532	3,265	2,810
Hats, caps and furs.....	3	F	12,862	14,149	18,868	13,817	14,612	14,448
Boots, shoes, gloves, etc.....	3	F	2,648	2,336	1,789	3,308	3,007	2,394
Shirts, collars, cuffs and laundry.....	3	M	646	612	644	793	766	788
Textiles.....	1	F	165	70	170	885	770	820
	3	F	.....	.....	.....	194	109	266
3. Metals, Machinery and Shipbuilding	32	M	6,982	7,089	7,077	12,047	11,673	11,881
Iron and steel.....	22	M	4,364	4,212	4,286	7,889	7,266	7,210
Metals other than iron and steel.....	4	M	753	1,044	1,005	753	1,044	1,005
Engineers and firemen.....	5	M	1,880	1,867	1,867	2,920	2,947	2,747
Shipbuilding.....	1	M	485	416	419	485	416	419
4. Transportation.....	29	M	5,097	5,184	5,158	18,378	18,225	18,006
Railroads.....	20	M	569	594	608	4,910	4,745	4,872
Street railways.....	2	M	3,000	3,000	3,000	3,395	3,880	3,360
Seamen, pilots, etc.....	1	M	.....	.....	.....	2,900	3,000	3,000
Freight handlers, truckmen, etc.....	6	M	1,528	1,450	1,550	2,168	2,120	2,374
5. Printing, Binding, Etc.	9	M	9,199	9,512	9,627	9,680	9,927	10,167
	9	F	89	101	99	224	200	198
6. Tobacco.....	4	M	1,118	1,115	1,185	1,979	2,033	2,102
	4	F	94	108	66	153	145	101
7. Food and Liquors	11	M	1,896	1,994	2,104	3,094	3,220	3,288
Food preparation.....	6	M	554	580	590	1,065	1,136	1,103
Malt liquors and mineral waters.....	5	M	1,842	1,414	1,514	2,029	2,084	2,185
8. Theaters and Music.....	8	M	552	550	550	1,097	1,111	1,112
	8	F	.....	.....	.....	6	7	6
9. Wood Working and Fur- niture.....	8	M	1,079	2,041	1,998	2,656	2,441	2,402
10. Restaurants and Retail Trade.....	8	M	598	618	582	1,978	1,953	1,910
Hotels and restaurants.....	5	F	420	440	484	1,815	1,310	1,292
Retail trade.....	3	F	178	178	148	658	643	618
	3	F	.....	.....	.....	.....	35	35
11. Public Employment	2	M	1,592	1,610	1,610	1,797	1,833	1,833
12. Miscellaneous	7	M	280	286	286	1,404	1,286	1,283
Glass.....	1	M	230	236	236	230	236	236
Barbering.....	2	M	.....	.....	.....	447	447	436
Other distinct trades.....	2	M	.....	.....	.....	202	206	211
Mixed employment.....	2	M	.....	.....	.....	525	397	400
GRAND TOTAL.....	188	M	66,018	67,663	67,207	93,292	93,632	93,023
		F	2,831	2,695	1,924	5,946	5,633	5,150
		T	68,849	70,258	69,131	97,237	97,270	96,173

BUREAU OF FACTORY INSPECTION—FOURTH QUARTER, 1901.

Table 3.—Work of Deputy Factory Inspectors.*

	October.	November.	December.	Total.
Factories.....	1,295	691	1,853	3,839
Tenement workshops (front)†.....	108	85	164	357
Tenement workshops (rear)†.....	25	126	184	285
Bakeries and confectionery establishments.....	242	226	135	593
Total factory inspections.....	1,670	1,128	1,776	4,574
Mines and quarries.....	2	-----	-----	2
Tenement work rooms†.....	182	356	882	1,370
Unlicensed places found.....	67	52	49	168
License applications investigated.....	1,249	162	1,211	2,622
License applications re-investigated.....	59	61	71	191
License refusals investigated.....	164	106	67	337
Tagging cases.....	82	28	21	81
Places found closed, burned, removed, etc:				
Factories and workshops.....	47	52	11	110
Tenement work rooms.....	23	99	267	389
License applicants.....	49	142	189	380
Prosecutions.....	11	10	2	23
Complaints investigated.....	88	26	49	113
Compliance with orders investigated.....	49	50	46	145
Accidents investigated.....	80	14	3	47

* In the winter months many of the deputies are assigned to office work.

† Tenement workshops and workrooms in tenements are licensed places.

Table 4.—Licenses for Tenement Manufacture.

	N. Y. City.	Up State.	Total.
Applications for license received.....	3,605	145	3,750
Number of licenses issued:			
To applicants not previously licensed.....	2,349	95	2,442
To persons previously licensed but removed, etc.....	749	40	789
Total.....	3,098	133	3,231
Number of licenses refused.....	370	12	382
Number of licenses revoked.....	82	-----	82
Licenses returned upon change of residence.....	675	40	715
Licenses returned upon cessation of work.....	-----	8	8
Total licenses outstanding, September 30, 1901.....	20,046	8,741	28,787
Net increase, October—December 1901.....	2,841	85	2,426
Outstanding, December 31, 1901.....	22,387	8,826	31,213

Table 5.—Accidents Reported

	I. Stone and clay products.	II. Metals, hardware, machinery, ship building.	III. Wood.	IV. Leather, rubber, etc.
A. SEX AND AGE OF EMPLOYEES INJURED.				
Males	Under 15 years	2	.....	1
	15 and under 16	4	.....	1
	16 and under 18	38	5	3
	18 and over	327	40	12
	Age not stated	1	1	.....
	Total	18	378	46
Females	Under 16 .....	.....	.....	.....
	16 years and over	10	2	.....
	Age not stated	6	.....	.....
	Total	16	2	.....
	Grand total	12	394	48
B. CAUSES OF ACCIDENTS.				
1. Machinery:				
	Gearing, belts, shafting, pulleys, etc.	17	2	2
	Elevators, hoists, cranes	14	.....	1
	Saws, planers, lathes (power)	31	18	2
	Presses, stamping machines	56	2	2
	Emery wheels, buffers	13	4	.....
	Cotton and woolen machines .....	.....	.....	.....
	Other machines and machine tools	48	20	8
	Total—Machinery	179	46	15
2. Other causes:				
	Hand tools (axes, saws, hammers, etc.)	2	24	1
	Explosives of all kinds	1	1	.....
	Hot liquids, acids, steam, molten metal, etc.	1	19	.....
	Collapse of buildings, falling objects, etc.	3	54	.....
	Fall of person .....	.....	24	1
	Loading, unloading by hand .....	.....	8	1
	Vehicles, and accidents caused by horses	2	19	.....
	All other	3	66	1
	Grand total	12	394	48
C. RESULTS OF ACCIDENTS.				
1. Temporary disablement:				
	Lacerations	95	6	4
	Burns, scalds, etc.	1	25	.....
	Cuts	3	93	3
	Bruises	7	86	1
	Sprains and dislocations .....	.....	7	1
	Fractures .....	.....	19	4
	Other .....	.....	15	2
	Total	11	340	39
2. Permanent disablement:				
Partial...	Loss of one—	.....	.....	.....
	Eye	1	.....	.....
	Limb	1	.....	.....
	Hand or foot	8	1	.....
Complete.	Other	35	15	3
	Loss of both—	.....	.....	.....
	Eyes .....	.....	.....	.....
	Limbs	2	.....	.....
	Hands or feet .....	.....	.....	1
	Internal injuries .....	.....	.....	.....
	Total—Permanent injuries	47	16	4
	3. Death	1	6	.....
	4. Not reported .....	.....	1	.....
	Grand total	12	394	48

in Fourth Quarter, 1901.

V.	VI.	VII.	VIII.	IX.	X.	XI.	XII.	Total.
Chemicals, oils, paints.	Paper and pulp.	Printing and paper goods.	Textiles.	Clothing, millinery, laundrying.	Food, tobacco, liquors.	Water, gas, electricity.	Building.	
			8					6
		1	6	1				18
	1	5	11	1	1			60
71	45	10	39	4	26	3	1	590
3	2		2		4	1		26
74	49	16	61	6	31	4	1	695
			8					8
		7	32	4	2			57
			1					7
		7	36	4	3			67
74	49	23	97	10	33	4	1	762
5	9	2	19	1	5			62
2	2		3	1	1			24
5	2	1		1	1		1	62
3		6			1			70
1			1		1			20
1	12	11	34	2	6	1		143
17	25	20	57	5	15	1	1	331
1	1		1					30
2				1				5
16	1				5			42
8	11	2	5		3	3		39
12	7	1	16	3	3			67
								9
4			2		2			29
14	4		16	1	5			110
74	49	23	97	10	33	4	1	762
6	10	7	17	1	7	1		154
11	1				4			42
10	4	3	28	1	3	1		162
29	14	4	30		10			191
3	5			2	1			19
4	9		13	1		1		52
6	3		2	1	1			30
69	46	14	90	6	26	3		650
								1
								1
2	3	8	3		1		1	10
					4			75
								2
2								3
4	3	8	3	1	5		1	29
		1	2	2	2	1		15
1			2	1				5
74	49	23	97	10	33	4	1	762

BUREAU OF MEDIATION
Table 6. Industrial Disputes

Locality.	Date.	Occupation.	Number of firms.	NUMBER AF
				Directly.
Albany.....	Oct. 23, Nov. 30	Cigar makers.....	1	125
		Packers.....		15
		Strippers and helpers.....		
Buffalo.....	Oct. 3, Nov. 12	Brewery employees.....	1	14
Buffalo.....	Oct. 1.....	Maltsters.....	21	175
Cohoes.....	Nov. 11, Nov. 14	Shirt folders.....	1	28
Croton-on-Hudson.....	Oct. 1, Oct. 8	Stonecutters.....	1	100
		Others.....		
Gloversville-Johnstown.....	Oct. 16, Oct. 22	Compositors, pressmen, etc.....	*2	15
Lyons.....	Nov. 5, Nov. 6	Beet sugar makers.....	1	50
New York City.....	Nov. 30, Nov. 26	Architectural iron workers.....	1	79
		Structural iron and steel workers.....		73
New York City.....	Nov. 19, Nov. 23	Railroad yardmen.....	1	281
		Road conductors and brakemen.....		
Niagara Falls.....	Oct. 2, Oct. 18	Lead reduction workers.....	1	18
North Tonawanda.....	Oct. 28, Nov. 9	Ironmolders.....	1	15
		Others.....		
Oneida.....	Nov. 30, Jan. 8	Cigar makers.....	1	142
		Packers.....		10
Phoenix Mills.....	December 5....	Knitting mill hands.....	1	14
Rochester.....	Oct. 1, Oct. 12	Electrical workers (inside wiremen).....	10	62
Silver Creek §.....	Oct. 18, Nov. 9	Ironmolders.....	†2	15
Silver Creek §.....	Oct. 21, Nov. 9	Woodworkers.....	†2	64
		Machinists.....		43
		Others.....		
		Total.....	46	1,338

a Estimated. * Particulars for four other firms involved not reported. † Not reported. ‡ For independently, they became part of a general movement to unionize the shops.

AND ARBITRATION.

in Fourth Quarter, 1901.

OF EMPLOYEES FFECTED—		Duration in days.	Aggre- gate days lost.	Alleged cause or object.	Result.
Indi- rectly.	Total.				
.....	190	7	1,330	Demand for discharge of foreman and in- crease of \$1 per M on one brand of cigars.	Foreman retained; wages not increased.
50	14	33	462	Demand for discharge of brew-master...	Brew-master retained.
.....	175	.....	23,150	For increase of wages and shorter hours.	No settlement reported.
.....	28	3	84	Refusal to work with a certain employee, a union member.	Strikers' places filled by new hands.
.....	600	7	4,200	For reduction of hours at increased rate of wages.	No change in hours or rates.
500	15	6	90	For union shops and union wage scale...	Union recognized and union scale signed.
.....	50	1	50	For increase of wages to \$50 per month.	Wages increased to \$45 per month.
.....	152	5	760	Strike ordered by business agent of union with no reason given to firm.	Men ordered back by busi- ness agent.
.....	479	5	2,395	Demand for discharge of a superintend- ent, chief detective and assistant gen- eral yardmaster.	Officials not discharged; men received their old positions as soon as pos- sible.
198	18	15	270	Against employment of non-union men, with demand for increase of wages pending at the time.	Strikers' places filled by new hands.
.....	135	12	1,620	Demand for one month's back pay at 15 cents per day, that increase having been demanded a month earlier and conceded after the month's delay.	Payment of back pay.
120	193	33	6,360	Demand for discharge of one foreman and reinstatement of another.	No change of foreman. Men ordered back by agent of international union.
41	14	.....	.....	Refusal to clean machinery every half hour instead of hourly.	Strikers' places immedi- ately filled by new hands.
.....	62	11	682	For increase of wages from \$2.25 to \$2.50 per day.	Wages increased to \$2.50.
.....	15	.....	2300	For increase of wages.....	No settlement reported.
19	141	18	2,538	Recognition of unions. Before demand therefor had been formally made, all employees were discharged.	Unions not recognized. Men returned only as individuals.
11					
4					
943	2,281	.....	24,800		

..... for a third firm involved not reported. § These two involved the same firms. While started

TABLE 7.—SUMMARY OF CHANGES IN RATES OF WAGES REPORTED
(a) By Industries

INDUSTRY.	Sex.	INCREASES.		
		Members affected.	Total weekly rise.	Average weekly increase.
I. Building, Stone Working, Etc.	M	17,480	\$36,516 91	\$2 09
Stone working.....	M	1,588	3,008 96	1 94
Building and paving trades.....	M	15,045	32,338 60	2 15
Bricklayers and masons.....	M	6,671	14,648 88	2 29
Carpenters and joiners.....	M	1,842	2,328 35	1 26
Electrical workers.....	M	42	129 00	3 00
Housesmiths and bridgemen.....	M	2,400	7,740 00	3 22
Painters and decorators.....	M	1,090	1,772 17	1 62
Plasterers.....	M	810	2,230 00	2 75
Plumbers and gas fitters.....	M	1,024	1,630 50	1 59
Roofers and sheet metal workers.....	M	300	450 00	1 50
Other.....	M	865	1,408 70	1 63
Building and street labor.....	M	849	1,108 35	1 31
II. Clothing and Textiles	M	17,174	36,540 95	2 12
	F	5,717	9,086 81	1 59
Garments.....	M	16,890	36,080 38	2 14
	F	5,705	9,078 31	1 59
Cloak makers.....	M	4,000	8,000 00	2 00
	F	550	726 00	1 32
Coat makers.....	M	697	1,761 65	2 53
	F	173	217 95	1 26
Knee-pants makers.....	M	1,100	3,950 00	3 59
	F	55	165 00	3 00
Pants makers.....	M	2,312	7,338 80	3 17
	F	30	45 80	3 19
Tailors.....	M	4,482	6,121 00	1 37
	F	200	128 00	1 64
Vest makers.....	M	900	1,755 50	1 95
	F	700	1,291 00	1 84
Waist makers.....	M	1,000	2,800 00	2 80
	F	2,800	5,600 00	3 00
Wrapper makers.....	M	846	916 43	1 08
	F	1,157	846 56	72
Other.....	M	1,553	3,437 00	2 21
	F	50	60 00	1 20
Boots, shoes, gloves, etc.....	M	145	285 25	1 97
Shoe makers (custom).....	M	140	270 25	1 93
Wax threaders (glove).....	M			
Other.....	M	5	15 00	3 00
Shirts, collars, cuffs and laundry.....	M	13	13 00	1 00
	F	19	3 50	71
Textiles.....	M	126	162 32	1 29
III. Metals, Machinery and Shipbuilding	M	1,585	1,896 94	1 19
Iron and steel.....	M	1,510	1,716 59	1 14
Iron molders.....	M	30	36 60	1 22
Machinists.....	M	662	618 29	1 02
Pattern makers.....	M	548	813 16	1 48
Others.....	M	270	248 54	1 92
Metals other than iron and steel.....	M	10	15 00	1 50
Engineers and firemen.....	M	65	155 25	2 39
Engineers (stationary).....	M	31	103 85	3 35
Firemen (stationary).....	M	34	51 50	1 51
IV. Transportation	M	1,967	3,019 04	1 52
Railroads.....	M	1,204	1,583 64	1 56
Car builders (street).....	M	290	485 00	1 50
Conductors.....	M	284	509 20	1 79
Firemen.....	M	226	433 22	1 92
Trainmen.....	M	70	56 24	1 80
Other.....	M	234	449 88	1 35
Street railways.....	M	404	482 90	1 07
Freight handlers, truckmen, etc.....	M	359	702 50	1 96

* In three of the trades mentioned in this table (waist makers, wax threaders, iron molders) the net

BY LABOR ORGANIZATIONS, OCTOBER 1, 1900—SEPTEMBER 30, 1901:
and Trades.

DECREASES.			NET CHANGES.			CHANGES EFFECTED—				Changes arranged by trade boards or joint committees.
Members affected.	Total weekly fall.	Average weekly loss.	Members affected.	Total weekly increase.*	Average weekly increase.	WITHOUT STRIKE.		AFTER STRIKE.		
						Number.	Members.	Number.	Members.	
384	\$349 24	\$0 91	17,864	\$36,167 67	\$2 02	69	12,474	14	5,390	7,908
384	349 24	91	1,586	3,069 98	1 94	9	1,551	1	35	1,279
125	112 50	90	15,429	31,989 38	2 07	58	10,498	11	4,931	6,624
			6,796	14,538 28	2 14	11	2,616	2	4,180	6,480
			1,842	2,328 35	1 26	11	1,842			
			43	129 00	3 00	2	43			
			2,400	7,740 00	3 22	2	2,400			
122	15 94	13	1,212	1,756 23	1 45	16	863	3	349	
			810	2,230 00	2 75	2	810			
35	42 00	1 68	1,049	1,588 50	1 51	7	1,004	2	45	50
			800	450 00	1 50	1	800			
112	178 80	1 60	977	1,230 90	1 26	6	620	4	357	94
			849	1,108 35	1 31	2	425	2	424	
820	2,970 00	3 62	17,994	\$3,370 95	1 87	10	327	18	17,667	
800	2,950 00	3 69	6,517	6,126 81	1 94		57		6,460	
700	2,850 00	4 07	17,590	33,230 38	1 89	4	63	17	17,527	
800	2,950 00	3 69	6,605	6,128 31	1 94		45		6,480	
			4,000	8,000 00	2 00			1	4,000	
			550	726 00	1 33				550	
			697	1,761 65	2 53			2	697	
			173	217 95	1 26				173	
			1,100	3,950 00	3 59			1	1,100	
			55	165 00	3 00				55	
			2,312	7,338 80	3 17			2	2,312	
			80	45 80	3 12				80	
			4,482	6,121 00	1 37	2	62	2	4,420	
			800	128 00	1 64				800	
			900	1,765 50	1 95			2	900	
			700	1,521 00	1 84				700	
700	2,850 00	4 07	1,700	2,650 00	1 74			2	1,700	
800	2,950 00	3 69	3,600	2,650 00	1 74				3,600	
			846	916 43	1 08			3	846	
			1,157	846 66	1 75			1	1,157	
			1,553	2,437 00	2 21	2	1	3	1,552	
			60	60 00	1 20		45		6	
120	120 00	1 00	265	165 25	1 62	3	125	1	140	
			140	270 25	1 93			1	140	
120	120 00	1 00	120	*120 00	*1 00	2	120			
			5	15 00	3 00	1	5			
			13	13 00	1 00	2	13			
			19	8 57	1 71		19			
			126	162 32	1 29	1	126			
282	240 42	85	1,867	1,646 52	88	31	1,441	11	421	
270	222 42	82	1,780	1,494 17	84	27	1,409	7	366	
237	182 40	77	267	*145 80	*55	6	267			
33	40 02	1 21	695	578 27	83	10	388	4	307	
			548	813 16	1 48	3	548			
			270	248 54	2 72	8	206	3	59	
			19	15 00	1 50			1	10	
12	18 00	1 50	77	187 85	1 78	4	82	3	45	
			31	103 85	3 35	3	81			
12	18 00	1 50	46	33 50	73	1	1	3	45	
253	409 86	1 62	2,220	2,609 18	1 18	28	1,404	4	816	
98	117 36	1 20	1,302	1,766 28	1 36	16	860	3	442	
			290	435 00	1 50			1	290	
			284	509 20	1 79	3	284			
			226	433 32	1 92	5	226			
			70	56 24	80	3	70			
98	117 36	1 20	432	332 52	1 77	5	280	2	152	
			404	432 90	1 07	1	30	1	374	
155	292 50	1 89	514	410 00	80	6	514			

change was a decrease.

TABLE 7—

INDUSTRY.	Sex.	INCREASES.		
		Members affected.	Total weekly rise.	Average weekly increase.
V. Printing, Binding, Etc	{ M	198	\$465 00	\$2 25
	{ F	8	8 50	1 06
Bookbinders (printed work)	M	60	160 00	2 67
Compositors	{ M	108	146 00	1 39
	{ F	8	8 50	1 06
Other	M	33	159 00	4 82
VI. Tobacco	{ M	397	521 10	1 31
	{ F	123	114 18	93
VII. Food and Liquors	M	501	702 47	1 52
Food preparation	M	362	520 47	1 44
Bakers and confectioners	M	231	271 60	1 18
Cooks	M	101	188 87	1 87
Other	M	30	60 00	2 00
Malt liquors and mineral waters	M	139	242 00	1 74
IX. Wood Working and Furniture	M	775	2,167 46	2 80
Coopers	M	43	34 00	79
Machine wood workers	M	700	2,100 00	3 00
Other	M	32	83 46	1 05
X. Restaurants and Retail Trade	{ M	75	75 00	1 00
	{ F	85	51 00	60
Hotels and restaurants	{ M	75	75 00	1 00
	{ F	85	51 00	60
XI. Public Employment	M	611	1,839 47	3 01
Bridge tenders	M	125	162 00	1 20
Dock builders	M	427	1,582 50	3 71
Post office clerks	M	29	56 78	1 92
Other	M	20	39 19	1 96
XII. Miscellaneous	M	889	874 02	98
Glass	M	49	172 00	3 51
Barbering	M	327	327 00	1 00
Other distinct trades	M	43	62 52	1 49
Mixed employment	M	471	312 50	66
GRAND TOTAL	{ M	41,652	\$34,658 86	\$3 03
	{ F	5,935	2,280 49	1 56
	{ F	47,585	33,928 85	1 97

Concluded.

DECREASES.			NET CHANGES.			CHANGES EFFECTED—				Changes arranged by trade boards or joint committees.
Members affected.	Total weekly fall.	Average weekly loss.	Members affected.	Total weekly increase.	Average weekly increase.	WITHOUT STRIKE.		AFTER STRIKE.		
						Num-ber.	Mem-bers.	Num-ber.	Mem-bers.	
.....	.....	.....	1 98	\$465 00	\$2 35	7	188	2	60	.....
.....	.....	.....	8	8 50	1 06	.....	8	.....	.....	.....
.....	.....	.....	60	100 00	2 67	1	40	1	20	.....
.....	.....	.....	105	146 00	1 39	4	65	1	40	.....
.....	.....	.....	8	8 50	1 06	.....	8	.....	.....	.....
.....	.....	.....	33	159 00	4 82	2	38	.....	.....	.....
.....	.....	.....	397	521 10	1 31	3	397	.....	.....	.....
.....	.....	.....	123	114 18	93	.....	123	.....	.....	.....
.....	.....	.....	501	762 47	1 52	15	494	.....	.....	.....
.....	.....	.....	322	520 47	1 44	9	335	.....	.....	.....
.....	.....	.....	231	271 60	1 18	6	224	.....	.....	.....
.....	.....	.....	101	188 87	1 87	1	101	.....	.....	.....
.....	.....	.....	30	60 00	2 00	2	30	.....	.....	.....
.....	.....	.....	139	242 00	1 74	6	139	.....	.....	.....
.....	.....	.....	775	2,167 46	2 80	4	47	2	728	.....
.....	.....	.....	43	84 00	79	2	15	1	28	.....
.....	.....	.....	700	2,100 00	3 00	.....	.....	1	700	.....
.....	.....	.....	32	33 46	1 05	2	32	.....	.....	.....
18	\$72 00	\$4 00	93	3 00	08	2	75	.....	.....	.....
.....	.....	.....	85	51 00	60	.....	85	.....	.....	.....
18	72 00	4 00	93	3 00	08	2	75	.....	.....	.....
.....	.....	.....	85	51 00	60	.....	85	.....	.....	.....
.....	.....	.....	611	1,839 47	3 01	5	184	1	427	.....
.....	.....	.....	135	162 00	1 20	1	135	.....	.....	.....
.....	.....	.....	427	1,582 50	3 71	.....	.....	1	427	.....
.....	.....	.....	25	55 78	1 92	2	29	.....	.....	.....
.....	.....	.....	20	39 19	1 96	2	20	.....	.....	.....
111	180 00	1 17	1,000	744 02	74	8	970	2	30	58
9	27 00	3 00	58	145 00	2 50	1	58	.....	.....	58
.....	.....	.....	327	327 00	1 00	1	327	.....	.....	.....
2	3 00	1 50	44	59 52	1 35	3	14	2	30	.....
100	100 00	1 00	571	213 50	37	3	571	.....	.....	.....
1,868	\$4,171 52	\$2 23	43,520	\$80,496 84	\$1 85	177	17,951	54	25,539	7,961
800	2,850 00	3 69	6,733	6,310 49	94	.....	273	.....	6,460	.....
2,668	7,121 52	2 67	50,253	86,807 33	1 73	177	18,224	54	31,999	7,961

TABLE 8.—CHANGES IN RATES OF WAGES REPORTED BY LABOR OR

LOCALITIES.	Sex.	INCREASES.		
		Members affected.	Total weekly rise.	Average weekly increase.
NEW YORK CITY.				
I. Building, Stone Working, Etc.	M	12,442	\$28,881 78	\$2 32
II. Clothing and Textiles	M	17,600	\$6,818 68	2 14
III. Metals, Machinery and Shipbuilding.	F	5,680	\$9,033 31	1 60
IV. Transportation	M	522	832 85	1 60
V. Printing, Binding, Etc.	M	96	42 12	1 17
VI. Tobacco	M	115	343 09	2 98
VII. Food and Liquors	F	257	\$11 10	1 31
XI. Public Employment	M	123	114 13	23
	M	28	59 00	1 56
	M	580	1,776 00	3 06
Total	M	30,977	\$64,526 46	\$2 21
	F	5,783	9,147 49	1 58
BUFFALO.				
I. Building, Stone Working, Etc.	M	1,361	\$2,384 80	\$1 75
II. Clothing and Textiles.	F	23	25 00	1 00
III. Metals, Machinery and Shipbuilding.	M	9	18 50	1 50
IV. Transportation	M	1,142	1,975 46	1 73
VII. Food and Liquors	M	867	522 87	1 42
IX. Wood Working and Furniture.	M	700	2,100 00	3 00
X. Restaurants and Retail Trade	M	75	75 00	1 00
	F	85	51 00	60
XII. Miscellaneous.	M	327	327 00	1 00
Total	M	3,981	\$7,398 63	\$1 86
	F	110	76 00	69
† ALBANY-TROY DISTRICT.				
I. Building, Stone Working, Etc.	M	43	\$45 35	\$1 06
II. Clothing and Textiles.	F	12	8 50	71
III. Metals, Machinery and Shipbuilding.	M	260	256 54	98
IV. Transportation	M	448	523 18	1 17
V. Printing, Binding, Etc.	M	6	6 00	1 00
	F	7	7 00	1 00
VII. Food and Liquors	M	20	50 00	2 50
IX. Wood Working and Furniture.	M	31	30 46	98
Total	M	808	\$910 53	\$1 13
	F	19	15 50	81
ROCHESTER.				
I. Building, Stone Working, Etc.	M	1,062	\$1,244 40	\$1 17
II. Clothing and Textiles	M	42	42 00	1 00
III. Metals, Machinery and Shipbuilding.	M	24	21 60	90
V. Printing, Binding, Etc.	M	3	9 00	3 00
Total	M	1,131	\$1,317 00	\$1 16
SYRACUSE.				
I. Building, Stone Working, Etc.	M	3	\$9 00	\$3 00
II. Clothing and Textiles	M	5	15 00	3 00
III. Metals, Machinery and Shipbuilding.	M	47	87 50	1 86
IV. Transportation	M	46	96 60	2 10
VII. Food and Liquors	M	41	81 00	1 98
IX. Wood Working and Furniture.	M	10	10 00	1 00
XI. Public Employment	M	12	23 04	1 92
Total	M	164	\$322 14	\$1 96
ALL OTHER TOWNS (GROUPED).				
I. Building, Stone Working, Etc.	M	2,569	3,969 60	1 55
II. Clothing and Textiles	M	127	165 32	1 30
	F	20	20 00	1 00
III. Metals, Machinery and Shipbuilding.	M	723	675 95	93
IV. Transportation	M	295	381 68	1 29
V. Printing, Binding, Etc.	M	74	107 00	1 45
	F	1	1 50	1 50
VI. Tobacco	M	140	210 00	1 50
VII. Food and Liquors.	M	48	69 60	1 45
IX. Wood Working and Furniture.	M	34	27 00	79
X. Restaurants and Retail Trade	M			
XI. Public Employment	M	19	40 45	2 13
XII. Miscellaneous.	M	562	547 02	97
Total	M	4,591	\$6,193 60	\$1 35
	F	21	21 50	1 02

* Two changes thus designated were decreases. † Including thereunder

GANIZATIONS, OCTOBER 1, 1900—SEPTEMBER 30, 1901: (b) By Localities.

DECREASES.			NET CHANGES.			CHANGE EFFECTED—				Changes arranged by trade boards or joint committees.
Members affected.	Total weekly fall.	Average weekly loss.	Members affected.	Total weekly increase.*	Average weekly increase.	WITHOUT STRIKE.		AFTER STRIKE.		
						Number.	Members.	Number.	Members.	
60	\$122 00	\$2 20	12,502	\$28,781 76	\$2 30	17	8,158	3	4,348	7,311
700	2,850 00	4 07	17,700	33,468 63	1 89	2	33	18	17,667	
800	2,960 00	3 69	6,460	6,083 31	1 94	2	522	1	6,460	
8	9 38	1 17	522	832 85	1 66	2	522	1		
			44	32 76	74	3	44			
			115	348 00	2 98	3	95	1	20	
			257	311 10	1 21	2	257			
			183	114 18	93	2	183			
			25	89 00	1 56	4	25			
			580	1,776 00	3 06	2	153	1	437	
768	\$2,991 36	\$3 89	31,745	\$65,535 10	\$2 06	35	9,282	23	22,463	7,211
800	2,960 00	3 69	6,583	6,197 49	94	2	123		6,460	
			1,381	\$2,384 80	\$1 75	7	1,166	2	195	200
			85	25 00	1 00	1	25			
180	\$100 80	\$ 56	189	*87 80	*48	1	180	1	9	
245	400 56	1 63	1,387	1,574 96	1 14	6	945	3	442	
			387	522 87	1 42	3	367			
			700	2,100 00	3 00			1	700	
			75	75 00	1 00	2	75			
			85	51 00	60	2	85			
			327	827 00	1 00	1	327			
425	\$501 30	\$1 18	4,406	\$6,897 33	\$1 57	21	3,080	7	1,346	200
			120	76 00	69		110			
			43	\$45 35	\$1 05	1	43			
			18	8 50	71	1	18			
			260	255 54	98	6	260			
			448	523 18	1 17	4	74	1	374	
			6	6 00	1 00	1	6			
			7	7 00	1 00	1	7			
			20	50 00	2 50	1	20			
			31	30 46	98	1	31			
			808	\$910 58	\$1 13	14	434	1	374	
			19	16 50	81		19			
			1,063	\$1,244 40	\$1 17	4	768	1	294	339
			42	42 00	1 00	1	42			
12	\$18 00	\$1 50	36	3 60	10	1	24	1	12	
			8	9 00	3 00	1	8			
12	\$18 00	\$1 50	1,143	\$1,299 00	\$1 14	7	837	2	306	339
			3	\$9 00	\$3 00	1	3			
			5	15 00	3 00	1	5			
			47	87 50	1 86	2	10	1	37	
			46	96 60	2 10	1	46			
			41	81 00	1 98	2	34			
			10	10 00	1 00	1	10			
			12	23 04	1 92	1	12			
			164	\$322 14	\$1 96	9	120	1	37	
324	217 24	67	2,893	3,752 86	\$1 30	39	2,341	8	552	153
120	120 00	1 00	247	45 32	18	4	247			
			80	20 00	1 00		80			
90	121 62	1 35	813	554 33	68	20	445	8	383	
			295	381 68	1 29	9	295			
			74	107 00	1 45	2	34	1	40	
			1	1 50	1 50	1	1			
			140	210 00	1 50	1	140			
			48	69 60	1 45	5	48			
			34	27 00	79	2	6	1	28	
18	72 00	4 00	18	*72 00	*4 00					
			19	40 43	2 13	2	19			
111	180 00	1 17	673	417 02	62	7	643	2	30	58
663	\$660 86	\$1 00	5,254	\$5,532 74	\$1 05	91	4,218	20	1,013	311
			21	21 50	1 02		21			

TENEMENT-HOUSE MANUFACTURE, DEC., 1900-SEPT., 1901.

Table 9.—Number of Licensed Shops and Dwellings and Workers Authorized to be Employed Therein.

CITY.	NUMBER OF LICENSED PLACES.			NUMBER OF WORKERS.		
	In shops.	In dwell-ings.	Total.	In shops.	In dwell-ings.	Total.
New York City.....	3,978	16,068	20,046	23,363	27,019	50,381
Brooklyn and Queens.....	1,214	6,459	7,673	11,133	8,789	19,922
Manhattan, lower East Side..	1,241	5,703	6,944	7,981	8,267	16,248
Manhattan and Bronx, outside of lower East Side.....	1,523	3,902	5,425	4,248	9,958	14,206
Richmond		4	4		5	5
Rochester	361	1,493	1,854	3,981	2,670	6,651
Buffalo	288	1,047	1,335	1,754	1,781	3,535
Syracuse	100	693	793	1,320	1,098	2,418
Utica	91	540	631	696	814	1,510
Albany	26	603	629	165	1,094	1,259
Troy	40	264	304	167	540	707
Other towns	416	2,779	3,195	1,566	4,609	6,175
Total	5,800	28,487	28,787	35,011	89,625	72,636
Males				20,627	6,787	27,414
Females				11,098	32,117	43,215
Sex not stated.....				1,286	721	2,007

* Table 11.—Number of Persons Engaged in the Custom and Ready-Made Clothing Trades, in Licensed Places in Each of the Principal Cities.

CITY.	CUSTOM WORK.			READY-MADE CLOTHING.			Total.
	In dwell-ings.	In shops or stores.	Total.	In dwell-ings.	In shops or stores.	Total.	
New York City.....	8,606	4,581	13,187	14,723	14,734	29,457	42,644
Brooklyn and Queens	559	1,116	1,675	7,694	9,125	16,819	18,494
Manhattan, lower East Side.	1,076	1,273	2,349	6,107	5,314	11,421	18,770
Manhattan and Bronx, outside of lower East Side.....	6,971	2,192	9,163	922	295	1,217	10,380
Rochester	1,373	101	1,474	1,078	3,660	4,738	6,212
Buffalo	983	415	1,398	631	990	1,621	3,019
Syracuse	656	20	676	420	1,251	1,671	2,347
Utica	538	23	561	261	612	873	1,434
Albany	974	90	1,064	23	5	28	1,093
Troy	500	65	565	16	2	18	583
Other towns.....	3,897	743	4,640	383	36	419	5,059
Total	17,527	6,038	23,565	17,535	21,290	38,825	62,390
Thereof—Males	3,876	4,432	8,308	1,697	11,960	13,657	21,965
Females	13,428	1,802	14,730	15,598	8,679	24,265	38,995
Sex not stated.....	223	804	527	252	651	903	1,430

* Table 10 follows table 13 on page 79.

TENEMENT-HOUSE MANUFACTURE, DEC., 1900—SEPT., 1901.

Table 12.—Persons in Licensed Places Who Work for Their Own Customers; Outside Workers in Families, Etc.

INDUSTRY AND LOCALITY.	Number of out-stand- ing li- censes.	WORK FOR THEIR OWN CUSTOMERS ONLY.		WITH— WORKERS FROM OUT- SIDE THE FAMILY (DWELLINGS).		WITH- OUT— FROM OUT- SIDE THE FAMILY (DWELLINGS).
		Number of places.	Number of work- ers.	Places.	Em- ployees from outside.	Places.
CLOTHING.						
New York City	16,981	3,572	11,414	1,390	5,708	12,695
Brooklyn and Queens	7,078	822	705	148	611	5,921
Manhattan, lower East Side *	6,131	793	2,642	215	559	5,001
Manhattan and Bronx, outside of lower East Side.....	2,772	2,457	8,167	1,017	4,538	1,778
Rochester	1,635	511	1,373	237	772	1,093
Buffalo	1,146	406	1,120	126	426	798
Syracuse	783	314	671	126	312	552
Utica.....	600	281	496	72	168	456
Albany.....	568	515	950	145	388	408
Troy	284	238	552	95	206	150
Other towns	2,753	2,298	4,451	643	1,497	1,880
Total	24,709	8,135	21,026	2,814	9,472	18,031
OTHER ARTICLES.						
New York City	3,065	1,262	4,500	178	908	1,815
Brooklyn and Queens	595	209	686	13	64	377
Manhattan, lower East Side	813	390	1,511	64	345	423
Manhattan and Bronx, outside of lower East Side.....	1,653	663	2,303	101	494	1,011
Richmond.....	4	.....	.....	.....	.....	4
Rochester	219	93	300	8	15	166
Buffalo	189	189	508	15	34	108
Syracuse	80	80	71	7	12	8
Utica.....	81	1	78	1	3	11
Albany.....	61	61	167	27	94	23
Troy	40	39	124	3	10	16
Other towns	443	254	889	7	19	249
Total	4,078	1,929	6,637	246	1,090	2,396
CLOTHING AND OTHER ARTICLES.						
New York City	20,046	4,834	15,914	1,568	6,806	14,510
Brooklyn and Queens	7,673	581	1,891	161	675	6,298
Manhattan, lower East Side	6,944	1,183	4,053	279	904	5,424
Manhattan and Bronx, outside of lower East Side	5,425	3,120	10,470	1,118	5,027	2,784
Richmond.....	4	.....	.....	.....	.....	4
Rochester	1,854	604	1,672	235	787	1,258
Buffalo	1,335	595	1,628	141	480	906
Syracuse	793	344	742	133	324	560
Utica	631	282	574	73	171	467
Albany.....	629	576	1,117	172	482	431
Troy	304	277	676	98	216	168
Other towns	3,195	2,553	5,840	650	1,516	2,129
Total	28,787	10,061	27,663	3,060	10,562	20,427

* East and south of Broadway and East 14th Street.

TABLE 13.—SUMMARY OF FACTORIES INSPECTED

(From Sixteenth Annual Report

INDUSTRIES.	Inspections.	Factories inspected.	NUMBER OF EMPLOYEES					
			IN ESTABLISHMENTS EMPLOYING—					500 or over.
			Total.	Less than 20.	20-49.	50-199.	200-499.	
RECAPITULATION.								
I. Stone and Clay Products	536	492	20,285	1,620	4,447	8,588	5,105	525
II. Metals, Machinery & Apparatus.	3,950	3,533	158,842	15,856	17,638	42,409	31,519	51,420
III. Wood	1,685	1,581	36,032	7,139	9,494	14,000	4,759	640
IV. Leather and Rubber Goods	1,374	1,248	41,332	5,599	7,308	14,387	8,023	6,015
V. Chemicals, Oils and Explosives	632	565	17,181	2,859	2,468	5,448	3,729	2,677
VI. Paper and Pulp	210	203	8,238	1,020	1,482	2,746	1,122	1,868
VII. Printing and Paper Goods	2,422	2,149	62,176	10,135	11,170	20,645	12,964	7,262
VIII. Textiles	810	695	66,324	2,617	3,978	17,339	20,341	22,049
IX. Clothing, Millinery, Laundries	7,003	6,216	151,231	34,199	35,949	41,752	22,416	16,915
X. Food, Tobacco and Liquors	5,426	5,098	73,276	17,603	8,872	18,772	15,491	12,538
XI. Distribution of Water, Gas and Electricity	316	308	5,029	1,195	527	2,077	.....	1,230
XII. Building Industry	430	407	6,446	2,193	1,362	1,441	1,450	.....
XIII. Warehousing, Cold Storage, Etc.	22	21	435	119	22	294	.....	.....
Grand Total	24,816	22,516	646,827	102,154	104,717	189,898	126,919	123,139
I. Stone and Clay Products.								
1. Stone	158	147	3,877	509	1,212	936	1,220	.....
2. Abrasives	15	13	200	72	25	163	.....	.....
3. Lime, cement and plaster	43	43	2,167	171	170	1,176	650	.....
4. Brick, tile and pottery	170	164	8,514	285	2,271	5,018	940	.....
5. Glass	150	125	5,467	583	769	1,295	2,295	525
Total	536	492	20,285	1,620	4,447	8,588	5,105	525
II. Metals, Machinery and Apparatus.								
1. Gold, silver and precious stones	501	445	8,845	2,180	1,871	2,023	1,971	800
2. Copper, zinc, lead, etc.	318	271	10,185	1,267	1,291	3,482	2,772	1,373
3. Ironwork and machinery	1,989	1,781	77,685	7,930	9,366	25,118	14,534	20,737
4. Railway construction and repair shops	52	48	12,100	90	288	1,320	3,697	6,705
5. Vehicles	442	425	10,350	2,066	1,527	2,546	2,987	1,224
6. Ship and boat building	56	52	6,358	176	501	470	719	4,492
7. Agricultural implements	56	56	4,881	201	268	1,158	800	2,454
8. Musical instruments	196	150	7,306	546	1,001	3,018	2,221	520
9. Other instruments and appliances	211	194	7,465	881	879	2,023	1,263	2,419
10. Electrical apparatus	129	111	13,667	519	646	1,251	555	10,696
Total	3,950	3,533	158,842	15,856	17,638	42,409	31,519	51,420
III. Wood.								
1. Lumber and house trimmings	519	498	10,386	2,402	2,953	3,831	1,200	.....
2. Cooperage	223	206	5,665	907	1,522	1,908	688	640
3. Baskets and other woven work	28	27	458	101	49	308	.....	.....
4. Brooms	41	36	552	188	224	140	.....	.....
5. Furniture and cabinet work	489	453	13,512	1,950	2,932	6,045	2,585	.....
6. Wood, cork and amber working	292	270	4,292	1,235	1,330	1,441	286	.....
7. Picture frames and mouldings	93	91	1,167	356	484	827	.....	.....
Total	1,685	1,581	36,032	7,139	9,494	14,000	4,759	640
IV. Leather and Rubber Goods.								
1. Manufacture of leather	125	123	5,849	420	1,037	2,681	1,211	500
2. Furs, brushes, articles of hair, etc.	393	350	5,421	1,727	1,718	1,776	200	.....
3. Leather goods	692	640	24,883	2,845	3,680	8,251	5,181	4,926
4. Rubber and gutta percha goods	71	62	2,216	282	369	335	641	589
5. Articles of pearl, horn, bone, etc.	93	73	2,963	325	504	1,344	790	.....
Total	1,374	1,248	41,332	5,599	7,308	14,387	8,023	6,015

AND PERSONS EMPLOYED THEREIN.

on Factory Inspection, 1901.]

AT TIME OF INSPECTION.							WEEKLY HOURS OF LABOR.				CHANGES ORDERED.		COMPLI- ANCES.	
BY SEX.		MALES UNDER 18.	UNDER 16.		CHILDREN.		NUMBER OF EMPLOYEES IN FACTORIES WORKING—				Number.	Number estab- lishments.	Number.	Number estab- lishments.
Males.	Females.		Males.	Females.	Under 14.	Illiterate.	51 hours or less	52-57 hours.	58-63 hours.	Over 63 hours.				
19,439	846	905	842	21	4	...	2,822	4,118	12,838	507	453	232	379	206
149,934	8,908	4,379	1,254	864	9	2	5,814	44,979	107,191	858	8,543	1,763	1,951	1,592
84,085	1,937	1,632	614	77	14	5	1,858	6,262	27,198	719	2,033	869	1,583	776
28,496	12,856	1,731	805	528	15	8	848	7,508	32,936	40	1,482	692	1,230	685
12,350	4,881	753	369	173	30	...	1,582	4,848	9,573	1,228	612	297	549	291
6,604	1,684	101	86	86	...	...	173	422	8,502	4,071	368	127	296	117
48,019	19,167	2,207	789	681	11	5	8,448	37,067	16,624	47	2,339	1,129	2,058	1,082
27,758	38,566	3,140	1,719	2,262	7	1	676	12,008	58,564	78	883	379	703	845
63,651	87,680	1,612	963	2,576	51	66	5,467	65,006	79,917	841	10,639	4,124	9,524	3,862
49,747	23,539	1,394	634	980	71	10	9,906	19,585	41,269	2,517	10,762	3,459	7,020	2,985
5,027	2	16	...	...	...	...	169	967	2,456	1,447	257	157	201	183
6,403	43	9	19	...	...	...	2,824	2,018	1,594	...	874	202	295	186
400	85	1	1	6	...	...	25	130	204	76	21	16	19	16
446,923	199,904	17,870	7,243	7,654	212	92	40,566	204,966	388,866	12,429	33,766	13,446	25,808	12,206
3,984	13	18	...	...	...	...	2,068	364	1,413	82	77	52	66	46
170	90	9	7	5	...	...	...	121	139	...	10	6	10	6
2,163	4	29	11	...	...	...	9	44	1,664	450	61	25	58	26
8,151	363	387	90	8	2	...	524	1,126	6,839	25	140	76	99	58
5,091	376	492	234	8	2	...	221	2,463	2,783	...	165	73	146	71
19,439	846	905	842	21	4	...	2,822	4,118	12,838	507	453	232	379	206
7,600	1,245	426	160	45	...	1	358	3,100	5,392	...	440	223	402	211
9,451	734	261	71	104	1	...	72	1,619	8,494	...	800	141	255	124
78,544	4,141	2,080	592	168	7	1	1,769	21,670	58,650	696	1,389	908	1,509	812
12,008	2	137	...	...	...	...	...	6,673	5,267	180	54	28	82	17
10,110	240	185	46	8	...	...	147	2,734	7,469	...	810	178	249	162
6,858	...	68	3	...	...	...	43	5,664	651	...	57	33	51	29
4,779	102	40	10	4	...	...	8	235	4,643	...	69	30	41	24
7,242	64	315	172	...	...	...	66	847	6,399	...	158	75	183	69
6,478	987	452	100	35	1	...	137	1,139	6,189	...	164	87	148	84
12,274	1,393	405	100	5	...	...	3,230	1,398	9,037	2	157	65	131	60
149,934	8,908	4,379	1,254	864	9	2	5,814	44,979	107,191	858	8,543	1,763	1,951	1,592
10,295	91	818	84	4	5	1	671	1,630	7,366	719	771	800	831	250
5,089	576	454	229	29	3	1	29	684	4,953	...	271	121	224	111
303	155	24	15	...	...	...	...	123	336	...	27	13	19	12
531	21	42	15	3	2	...	11	164	377	...	47	22	82	21
12,840	672	519	160	28	8	2	882	2,306	10,324	...	570	242	474	223
3,998	394	220	91	13	1	1	240	939	3,113	...	275	129	230	118
1,139	28	60	20	...	...	...	20	417	730	...	72	42	67	41
34,095	1,937	1,632	614	77	14	5	1,858	6,262	27,198	719	2,033	869	1,583	776
5,515	334	134	43	15	...	...	5	885	5,509	...	153	73	113	57
3,528	1,893	181	41	50	1	...	479	2,780	2,147	15	449	200	367	186
16,457	8,426	1,189	567	283	14	2	313	3,540	21,005	25	702	336	605	318
1,260	956	103	61	60	...	...	75	380	1,811	...	69	33	64	33
1,736	1,327	174	91	120	...	1	26	473	2,464	...	109	50	81	41
28,496	12,836	1,731	808	528	15	3	848	7,508	32,936	40	1,482	692	1,230	685

TABLE 13—

INDUSTRIES.	Inspections.	Factories inspected.	NUMBER OF EMPLOYEES					
			Total.	IN ESTABLISHMENTS EMPLOYING—				
				Less than 20.	20-49.	50-199.	200-499.	400 or over.
V. Chemicals, Oils & Explosives.								
1. Chemicals and drugs	209	188	4,794	1,013	749	1,963	1,069	.....
2. Paints and colors	200	177	5,482	785	936	1,833	878	1,050
3. Vegetable oils, perfumery, etc.	77	66	1,483	419	250	389	425	.....
4. Soap, candles, wax	99	89	3,426	401	416	903	782	824
5. Mineral oils and by-products	33	32	1,539	182	94	160	300	803
6. Fertilizer and miscellaneous products	7	7	149	39	.....	110	.....	.....
7. Matches and explosives	4	3	306	8	23	.....	275	.....
8. Plastics (celluloid, etc.)	3	3	102	12	.....	90	.....	.....
Total	632	565	17,181	2,859	2,468	5,448	3,729	2,677
VI. Paper and Pulp.								
1. Rags and paper stock	93	93	1,424	542	513	369	.....	.....
2. Pulp and paper	117	110	6,814	478	969	2,377	1,122	1,868
Total	210	203	8,238	1,020	1,482	2,746	1,122	1,868
VII. Printing and Paper Goods.								
1. Type and printers' material	20	16	360	67	93	200	.....	.....
2. Paper goods	298	250	10,149	999	2,526	4,685	1,168	771
3. Printing and publishing	2,084	1,866	49,884	9,049	8,442	14,627	11,275	6,491
4. Wall paper	20	17	1,783	20	109	1,133	521	.....
Total	2,422	2,149	62,176	10,135	11,170	20,645	12,964	7,262
VIII. Textiles.								
1. Silk goods	94	78	6,860	250	386	3,049	2,675	500
2. Woolen goods	122	107	15,334	397	712	1,842	4,029	8,354
3. Cotton goods	43	36	6,538	125	226	687	275	5,225
4. Hosiery and knit goods	208	186	24,946	282	867	9,433	9,917	4,447
5. Trimmings and upholstery goods	286	238	8,700	1,327	1,567	1,990	1,593	2,223
6. Textiles of flax, hemp, jute and other fibers	28	22	3,367	86	101	288	1,592	1,300
7. Oil Cloth, window shades, etc.	29	28	579	150	119	50	260	.....
Total	810	695	66,324	2,617	3,978	17,339	20,341	22,048
IX. Clothing, Millinery, Laundries.								
1. Men's and women's clothing	4,206	3,772	73,355	22,604	21,371	18,448	7,802	3,130
2. White goods, shirt waists, etc.	737	596	37,335	2,364	5,895	9,607	7,958	11,511
3. Men's hats and caps	187	160	7,420	867	831	1,975	2,497	.....
4. Millinery, art embroideries, lace goods, etc.	736	652	13,239	3,299	3,363	4,749	1,308	1,250
5. Miscellaneous	385	316	8,113	1,502	2,111	3,261	785	504
6. Laundry, cleaning and dyeing	752	720	11,769	3,563	2,378	3,712	2,116	.....
Total	7,003	6,216	151,231	34,199	35,949	41,752	22,416	10,915
X. Food, Tobacco and Liquors.								
1. Cereals, fruits, vegetables, etc.	572	539	11,932	2,299	1,472	3,516	2,851	1,794
2. Meats, milk, etc.	260	252	5,805	981	572	2,124	805	1,323
3. Bakers and confectioners' goods	3,295	3,111	17,055	9,087	1,876	2,833	3,259	.....
4. Cigars, cigarettes and tobacco	781	715	28,515	2,940	1,978	7,180	7,546	8,871
5. Liquors (including ice)	518	481	9,969	2,296	2,974	3,119	1,030	550
Total	5,426	5,098	73,276	17,603	8,872	18,772	15,491	12,538
XI. Distribution of Water, Gas and Electricity.								
1. Water	37	37	205	93	112	.....	.....	.....
2. Gas	46	43	2,148	172	40	706	.....	1,230
3. Gas and electricity	6	6	25	25	.....	.....	.....	.....
4. Electric light and power	170	168	2,292	736	355	1,201	.....	.....
5. Heat and power (steam, etc.)	57	54	359	169	20	170	.....	.....
Total	316	308	5,029	1,195	527	2,077	.....	1,230

Continued.

AT TIME OF INSPECTION.								WEEKLY HOURS OF LABOR.				CHANGES ORDERED.		COMPLIANCES.	
BY SEX.		Males under 18.	UNDER 16.		CHILDREN.		NUMBER OF EMPLOYEES IN FACTORIES WORKING—				Number.	Number estab-lishments.	Number.	Number estab-lishments.	
Males.	Females.		Males.	Females.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.					
2,888	1,908	25	19	11	.....	.....	848	1,569	2,166	218	194	88	157	82
4,107	1,375	187	116	111	25	.....	289	753	4,215	225	209	97	200	97
1,053	480	9	1	11	.....	.....	818	846	119	700	77	88	66	37
2,425	901	230	124	20	8	.....	73	1,095	2,158	.....	82	50	77	50
1,524	15	120	68	.....	.....	.....	6	987	456	90	33	18	82	17
148	1	3	.....	.....	.....	.....	.....	.....	149	.....	5	3	5	3
189	187	68	46	17	.....	.....	.....	.....	306	.....	7	3	7	3
86	66	1	1	8	.....	.....	.....	98	4	.....	6	2	5	2
12,350	4,831	758	369	178	80	.....	1,532	4,848	9,578	1,228	612	297	549	291
555	869	2	2	9	.....	.....	123	854	937	.....	116	51	99	50
6,049	765	99	34	27	.....	.....	40	138	2,565	4,071	252	76	197	67
6,601	1,634	101	36	26	.....	.....	173	492	8,502	4,071	368	127	296	117
281	79	10	3	.....	.....	.....	84	223	53	.....	17	7	15	7
4,151	5,998	450	169	358	1	.....	90	3,750	6,264	45	848	147	290	135
37,069	12,815	1,499	473	820	10	8	8,274	33,046	8,562	2	1,950	963	1,728	898	
1,518	265	248	144	8	1	1	.....	88	1,745	.....	24	12	20	12
43,019	19,157	2,307	789	681	11	5	8,448	37,057	16,624	47	2,339	1,129	2,053	1,052	
2,474	4,386	226	129	262	2	.....	85	2,497	4,278	.....	91	86	83	33
7,611	7,723	1,088	649	788	3	.....	105	3,852	11,799	78	145	61	106	55
8,051	8,487	500	315	248	1	.....	18	844	5,676	.....	39	17	85	17
8,275	16,671	790	359	667	10	.....	95	1,844	22,007	.....	270	112	264	97
4,440	4,260	369	187	217	1	.....	322	3,225	5,153	.....	285	183	241	126
1,431	1,986	145	80	110	1	.....	24	142	3,201	.....	29	9	16	7
476	103	12	.....	.....	.....	.....	27	102	450	.....	24	11	18	10
27,758	38,506	3,140	1,719	2,262	7	1	676	12,006	53,564	78	683	379	703	345	
41,526	31,829	740	310	901	34	52	1,233	30,843	40,854	625	6,936	2,600	6,427	2,436	
7,529	29,806	274	98	867	4	7	1,137	13,879	22,292	27	1,185	392	912	363	
4,862	2,568	128	33	87	2	1	47	8,008	4,370	.....	284	104	224	96
2,899	10,340	58	66	418	7	5	1,547	9,638	2,651	3	919	397	811	385	
2,825	5,288	281	113	152	1	1	1,099	5,061	1,963	.....	443	192	417	184
4,010	7,759	87	43	201	3	.....	434	2,762	8,387	186	872	439	733	398
63,651	87,680	1,512	663	2,576	51	66	5,467	65,006	79,917	841	10,639	4,124	9,624	3,862	
8,608	3,824	230	107	178	37	4	555	2,492	7,468	1,417	612	281	504	250	
4,773	1,032	71	17	42	1	1	456	1,090	3,955	304	412	180	301	166	
12,600	4,495	155	97	252	12	.....	478	1,842	14,110	530	8,997	2,521	5,486	2,138
23,922	14,593	898	403	463	20	5	8,278	13,002	7,235	.....	528	283	461	264
9,884	85	40	10	.....	1	.....	143	1,059	8,501	286	303	194	284	177
49,747	23,529	1,894	634	930	71	10	9,905	19,585	41,209	2,517	10,762	3,459	7,020	2,995	
205	.....	.....	.....	.....	.....	.....	56	54	25	70	31	21	23	18
2,146	.....	.....	.....	.....	.....	.....	1	9	1,671	467	24	18	20	15
25	.....	.....	.....	.....	.....	.....	.....	.....	10	15	9	5	8	5
2,290	2	16	.....	.....	.....	.....	101	806	507	878	144	84	109	67
859	.....	.....	.....	.....	.....	.....	11	88	243	17	49	29	41	28
5,027	2	16	.....	.....	.....	.....	169	957	2,456	1,447	257	157	201	128

TABLE 13—

INDUSTRIES.	Inspections.	Factories inspected.	NUMBER OF EMPLOYEES					
			Total.	IN ESTABLISHMENTS EMPLOYING—				
				Less than 20.	20-49.	50-199.	200-499.	500 or over.
XII. Building Industry.								
1. General contracting and building ...	5	4	425	15	.....	60	250	.....
2. Masonry, bricklaying, etc.....	3	3	22	22	.....	.....	.....	.....
3. Carpentry	91	89	701	460	86	155	.....	.....
4. Stair building and interior wood-work	64	57	1,294	307	356	631	.....	.....
5. Mantels, tiling, grates, etc.....	2	2	19	19	.....	.....	.....	.....
6. Painting and decorating.....	50	46	950	209	226	75	440	.....
7. Roofing and sheet iron working....	86	83	902	451	251	200	.....	.....
8. Plumbing, gas and steam fitting....	106	105	1,273	642	371	.....	260	.....
9. Paving and sidewalks.....	11	8	700	3	27	270	400	.....
10. Miscellaneous	12	10	160	66	45	50	.....	.....
Total	430	407	5,446	2,198	1,862	1,441	1,450	.....
XIII. Warehousing, Cold Storage, Etc.								
Store houses.....	22	21	435	119	22	294	.....	.....

Concluded.

AT TIME OF INSPECTION.							WEEKLY HOURS OF LABOR.				CHANGES ORDERED.		COMPLAINTS.	
BY SEX.		MALES UNDER 18.	UNDER 16.		CHILDREN.		NUMBER OF EMPLOYEES IN FACTORIES WORKING—				Number.	Number estab-lishments.	Number.	Number estab-lishments.
Males.	Females.		Males.	Females.	Under 14.	Illiterate.	61 hours or less.	62-67 hours.	68-69 hours.	Over 63 hours.				
425	.....	8	.....	.....	.....	.....	60	15	360	.....	6	4	5	4
25	.....	.....	.....	.....	.....	.....	16	2	4	.....	.....	.....	.....	.....
697	4	4	3	.....	.....	.....	465	107	129	.....	120	56	87	51
1,294	.....	37	4	.....	.....	.....	365	374	555	.....	75	32	53	27
19	.....	1	.....	.....	.....	.....	.....	15	4	.....	4	1	4	1
911	39	5	3	.....	.....	.....	595	178	177	.....	47	22	41	20
902	.....	25	4	.....	.....	.....	541	275	86	.....	42	30	39	29
1,273	.....	17	4	.....	.....	.....	630	392	251	.....	64	49	57	47
700	.....	.....	.....	.....	.....	.....	92	608	.....	.....	8	4	4	3
160	.....	2	1	.....	.....	.....	70	52	38	.....	8	4	5	4
6,403	43	99	19	.....	.....	.....	2,834	2,018	1,594	.....	374	202	295	186
400	35	1	1	6	.....	.....	25	130	204	76	21	16	19	16

TENEMENT-HOUSE MANUFACTURE, DEC., 1900—SEPT., 1901.

Table 10.—Number and Sex of Persons Engaged in Tenement House Industries.

INDUSTRIES.	Males.	Females.	Sex not stated.	Total.
Men's and boys' clothing	18,710	23,075	1,108	42,893
Women's and girls' clothing	3,020	15,300	289	18,509
Clothing, kind not stated	235	720	38	993
Total—Clothing	21,965	38,905	1,430	62,390
Artificial flowers	99	768	3	870
Cigars	4,459	619	478	5,556
Feathers	23	99	7	139
Furs and fur goods	176	129	61	366
Hats and caps (men's)	260	147	17	424
Millinery	5	431	.....	436
Neckwear	126	1,285	2	1,413
Purses	32	48	.....	140
Suspenders	103	26	3	132
Umbrellas	62	42	1	105
White goods	44	625	5	675
Total	37,414	42,215	2,007	72,636

TABLE 14—FACTORIES INSPECTED AND NUMBER OF EMPLOYEES IN
THE CITIES OF THE STATE.

[Compiled from the Sixteenth Annual Report on Factory Inspection.]

CITIES.	Population, 1900.	Factories inspected.	EMPLOYEES.				
			Total.	Females.	Males under 18.	CHILDREN.	
						Under 16.	Under 14.
FIRST CLASS CITIES.							
New York City:							
Manhattan and Bronx.	2,050,600	10,873	278,750	95,621	5,255	4,751	107
Brooklyn.....	1,166,582	2,641	82,837	21,812	2,805	2,419	5
Queens*.....	152,999	35	1,784	535	111	119	1
Richmond.....	67,021	65	4,035	488	32	10	1
Total.....	3,437,202	13,614	362,385	118,454	8,203	7,299	114
Buffalo.....	352,387	1,496	42,194	6,910	1,814	502	.....
SECOND CLASS CITIES.							
Rochester*	162,608	736	18,982	6,662	823	778	11
Syracuse*	108,374	485	9,231	2,420	290	245	6
Albany.....	94,151	486	12,566	4,102	163	152	2
Troy.....	73,246	390	18,661	12,185	340	360	4
THIRD CLASS CITIES.							
Amsterdam.....	20,929	92	6,138	2,756	282	224	.....
Auburn*	30,345	90	6,299	1,560	202	235	8
Binghamton.....	38,647	163	5,900	2,240	40	36	.....
Cohoes.....	23,910	122	8,172	4,204	356	393	1
Corning.....	11,061	61	2,358	163	65	53	.....
Cortland.....	9,014	52	1,719	224	61	5	.....
Dunkirk.....	11,616	48	3,009	154	85	33	.....
Elmira*	35,672	149	2,510	896	113	107	.....
Geneva.....	10,433	43	1,293	180	27	14	.....
Glens Falls*	12,613	19	2,590	1,462	51	63	.....
Gloversville*	18,249	133	4,898	1,692	113	67	.....
Hornellsville*	11,918	23	587	107	16	5	2
Hudson.....	9,528	29	1,889	494	48	67	.....
Ithaca*	18,186	26	126	81	.....	.....	.....
Jamestown.....	22,892	165	5,044	1,410	275	524	1
Johnstown*	10,180	88	2,010	496	31	5	1
Kingston.....	24,535	85	3,266	1,394	395	282	.....
Little Falls*	10,361	39	2,265	1,095	57	84	.....
Lockport*	16,581	21	274	140	8	1	.....
Middletown.....	14,522	45	1,729	489	58	43	.....
Mt. Vernon§	20,346	.....	.....	.....	.....	.....	.....
Newburgh.....	24,943	91	4,080	1,863	122	144	1
New Rochelle§	14,720	.....	.....	.....	.....	.....	.....
Niagara Falls*	19,457	49	1,617	836	59	29	.....
North Tonawanda*	9,069	4	128	14	24	11	.....
Ogdensburg.....	12,623	66	959	826	13	23	.....
Olean*	9,462	50	1,583	141	128	70	.....
Oswego.....	22,199	101	3,792	980	216	155	.....
Peekskill§	10,358	.....	.....	.....	.....	.....	.....
Poughkeepsie.....	24,029	87	3,382	1,188	144	144	.....
Rensselaer.....	7,466	18	663	91	18	8	1
Rome.....	15,343	81	2,983	672	60	57	3
Saratoga Springs§	12,409	64	796	311	17	1	1
Schenectady.....	81,682	109	12,173	1,329	314	99	.....
Utica.....	56,383	320	9,742	3,992	354	513	8
Watertown*	21,696	10	45	23	.....	.....	.....
Watervliet.....	14,321	30	1,075	265	56	17	.....
Yonkers*	47,931	13	587	100	6	6	.....

* Cities so designated were not completely inspected within the ten months. † Villages with population of more than 10,000. § Not inspected within the ten months.

**Children's Certificates of Employment Issued by Boards of Health.
December 1, 1900-September 30, 1901.**

TABLE 15.—NUMBER AND SEX OF CHILDREN 16 YEARS OLD OR OVER.

	Boys.	Girls.	Total.
New York (Bronx Borough).....	242	181	423
New York (Brooklyn Borough).....	1,968	1,668	3,636
New York (Manhattan Borough).....	2,045	2,338	4,383
New York (Queens Borough).....	367	217	584
New York (Richmond Borough).....	103	27	180
Total, New York City.....	4,725	4,431	9,156
Total outside of New York City.....	4,879	2,805	7,684
Grand total.....	9,604	7,236	16,840

TABLE 16.—VACATION CERTIFICATES.

	BOYS.		GIRLS.		Total.
	Under 14 years old.	14 years or older.	Under 14 years old.	14 years or older.	
New York (Bronx Borough).....	60	.....	36	.....	96
New York (Brooklyn Borough)*.....	.....	.....	.....	.....	.....
New York (Manhattan Borough).....	2	376	1	503	882
New York (Queens Borough).....	15	168	6	104	291
New York (Richmond Borough).....	2	5	.....	.....	7
Total, New York City.....	19	607	7	643	1,276
Remainder of State.....	102	310	17	163	592
Total, New York State.....	121	917	24	806	1,868

* Included in Table 15 above.

TABLE 17 — BIRTHPLACE OF CHILDREN TO WHOM CERTIFICATES WERE GRANTED BY HEALTH AUTHORITIES OUTSIDE OF NEW YORK CITY.

	Regular employ- ment.	Vacation certifi- cates.
United States.....	6,541	526
In place of residence.....	4,463	273
Elsewhere in New York State.....	1,649	109
New England.....	72	9
New Jersey and Pennsylvania.....	225	20
Elsewhere in the United States.....	132	15
Canada.....	192	22
Mexico, West Indies, Central and South America.....	.....	.....
Europe.....	927	44
England.....	71	2
Scotland.....	10	1
Wales.....	1	.....
Ireland.....	35	4
Germany.....	291	9
Austria.....	26	3
Holland, Belgium, Switzerland.....	15	1
Denmark, Norway, Sweden.....	42	4
France.....	5	.....
Italy.....	126	10
Spain and Portugal.....	.....	.....
Hungary.....	3	.....
Polish lands.....	217	5
Russia.....	66	5
Other European countries.....	19	.....
Africa, Asia, Australasia.....
Birthplace not reported.....	24
Total—Outside of New York city.....	7,684	592

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Table 18.—Accidents in Factories,

		I. Stone and clay prod- ucts	II. Metals, hardware, machinery, shipbuild- ing.	III. Wood.	IV. Leather, rubber, etc.
A. SEX AND AGE OF EMPLOYEES INJURED:					
Males	Under 15 years.....	.....	8	3	3
	15 and under 16.....	.....	12	5	4
	16 and under 18.....	.....	66	32	14
	18 and over.....	26	385	134	54
	Age not stated.....	2	19	7	7
	Total.....	28	370	181	82
Females	Under 16.....	.....	1	.....	.....
	16 years and over.....	.....	15	.....	4
	Age not stated.....	.....	2	.....	.....
	Total.....	.....	18	.....	4
Grand total.....		28	388	181	86
B. CAUSES OF ACCIDENTS:					
1. Machinery:					
	Gearing, belts, shafting, pulleys, etc.....	1	40	8	1
	Elevators, hoists, cranes.....	1	27	6	7
	Saws, planers, lathes (power).....	1	92	110	3
	Presses, stamping machines.....	1	153	7	15
	Emery wheels, buffers.....	.....	48	2	1
	Cotton and woollen machines.....	.....	.....	1	.....
	Other machines and machine tools.....	3	130	13	40
	Total—Machinery.....	7	490	147	67
2. Other causes:					
	Hand tools (axes, saws, hammers, etc.).....	2	40	5	4
	Explosives of all kinds.....	.....	6	3	.....
	Hot liquids, acids, steam, molten metal, etc.....	2	33	3	2
	Collapse of buildings, falling objects, etc.....	3	146	5	.....
	Fall of person.....	3	44	2	5
	Loading, unloading by hand.....	3	15	.....	.....
	Vehicles, and accidents caused by horses.....	3	4	1	1
	All other.....	.....	210	15	7
	Grand total.....	28	388	181	86
C. RESULTS OF ACCIDENTS.					
1. Temporary disablement:					
	Lacerations.....	2	194	16	28
	Burns, scalds, etc.....	2	50	4	2
	Cuts.....	10	224	56	16
	Bruises.....	11	208	32	5
	Sprains and dislocations.....	.....	24	1	1
	Fractures.....	1	78	2	4
	Other.....	1	45	.....	7
	Total.....	27	823	111	63
2. Permanent disablement:					
Partial	Loss of one—	.....	.....	.....	.....
	Eye.....	.....	11	1	.....
	Limb.....	.....	1	.....	.....
	Hand or foot.....	.....	5	.....	1
Complete	Other.....	.....	139	58	20
	Loss of both—	.....	.....	.....	.....
	Eye.....	.....	.....	.....	.....
	Limbs.....	.....	.....	.....	.....
	Hands or feet.....	.....	.....	.....	.....
	Internal injuries.....	.....	1	1	.....
	Total.....	.....	157	64	21
3. Death.....		1	8	6	2
4. Not reported.....		.....	.....	.....	.....
Grand total.....		28	388	181	86

TORY INSPECTION.

December, 1900—September, 1901.

V.	VI.	VII.	VIII.	IX.	X.	XI.	XII.	Total.
Chemicals, oils, paints.	Paper and pulp.	Printing and paper goods.	Textiles.	Clothing, millinery, laundrying.	Food, tobacco, liquors.	Water, gas, electricity.	Building.	
1			13					28
		2	13					41
6	2	12	33	5	4			174
244	91	50	166	23	31	5	1	1,680
6		1	3	1	1	1		48
<u>269</u>	<u>93</u>	<u>65</u>	<u>223</u>	<u>29</u>	<u>36</u>	<u>6</u>	<u>1</u>	<u>1,981</u>
3	1	12	84	1	2			8
				1				127
								3
<u>3</u>	<u>1</u>	<u>12</u>	<u>85</u>	<u>8</u>	<u>2</u>			<u>133</u>
<u>265</u>	<u>94</u>	<u>77</u>	<u>313</u>	<u>37</u>	<u>38</u>	<u>6</u>	<u>1</u>	<u>2,114</u>
4	17	7	33	2		1		114
6	2	5	11	2	3			70
14	8	6	6	3	2		1	246
1	1	82	5		1			216
4			2		1			58
1			165					167
8	27	20	19	18	10			288
<u>38</u>	<u>55</u>	<u>70</u>	<u>241</u>	<u>25</u>	<u>17</u>	<u>1</u>	<u>1</u>	<u>1,159</u>
19	4	1	3	2	2			82
9	1				8			27
33	5		5		1			84
44	14	2	10		2	1		222
25	11	2	17	7	4			120
	1	2	1	3	2	2		29
19			1			2		31
78	3		35		2			350
<u>265</u>	<u>94</u>	<u>77</u>	<u>313</u>	<u>37</u>	<u>38</u>	<u>6</u>	<u>1</u>	<u>2,114</u>
3	14	18	60	6	4	1		346
43	6		7		4	1		119
56	22	16	93	4	10			507
113	26	19	81	11	8	3		513
26	5		10	1	1			73
10	6	8	20	7	2	1		189
9			14					76
<u>260</u>	<u>79</u>	<u>61</u>	<u>285</u>	<u>29</u>	<u>29</u>	<u>6</u>		<u>1,773</u>
			2					12
			1					3
3	8	13	23	6	5		1	11
								276
	1							3
<u>5</u>	<u>9</u>	<u>13</u>	<u>26</u>	<u>6</u>	<u>5</u>		<u>1</u>	<u>305</u>
<u>2</u>	<u>6</u>	<u>3</u>	<u>2</u>	<u>2</u>	<u>4</u>			<u>36</u>
<u>265</u>	<u>94</u>	<u>77</u>	<u>313</u>	<u>37</u>	<u>38</u>	<u>6</u>	<u>1</u>	<u>2,114</u>

BUREAU OF MEDIATION AND ARBITRATION.

Table 19.—Industrial Disputes, January 1–September 30, 1901.

INDUSTRIES.		Number of disputes.	NUMBER OF ESTAB- LISHMENTS—		NUMBER OF EMPLOYEES—			AGGREGATE NUMBER OF WORKING DAYS LOST BY EMPLOYEES—		
			Concerned.	Closed.	Before dispute.	Directly concerned.	Indirectly affected.	Directly concerned.	Indirectly affected.	Total.
I. Stone and Clay Products.										
Brickyards.....	2	13	13		1,160	350	800	7,800	4,800	12,600
Cement works.....	1	1	1		63	31	31	46	46	92
Pottories.....	1	1	.....		404	42	.....	252	.....	252
Stone quarries.....	1	20	20		800	800	.....	32,800	.....	32,800
Total.....	5	35	34		2,426	1,223	831	40,898	4,846	45,744
II. Metals, Machinery and Apparatus.										
1 Gold and Silver Ware:	1	1	1		134	134	.....	2,144	.....	2,144
Silver plated ware.....	1	1	.....		744	87	.....	*11,300	.....	11,300
Watch cases.....										
Total.....	2	2	1		878	221	.....	13,444	.....	13,444
2. Copper, Lead and Zinc Products:										
Brass poles.....	1	1	.....		26	26	.....	.....	.....	.....
Lead reduction.....	1	1	.....		10	7	.....	21	.....	21
Total.....	2	2	.....		36	33	.....	21	.....	21
3. a-q. Iron and Steel, Hardware, Etc.:										
Blast furnaces.....	1	1	1		400	400	.....	10,400	.....	10,400
Bridge and structural iron work.....	5	5	2		578	311	102	1,833	768	2,601
Car trucks.....	1	1	.....		200	125	.....	.....	.....	.....
Metal beds.....	1	1	.....		282	30	.....	.....	.....	.....
Total.....	8	8	3		1,448	866	102	12,233	768	13,001
3. t-u. Boilers, Engines and Machinery:										
Boiler works.....	2	5	5		450	450	.....	8,775	.....	8,775
Engines and machines.....	15	16	11		4,256	1,672	1,818	41,068	20,647	61,715
Total.....	17	21	16		4,706	2,123	1,818	49,843	20,647	70,490

* Estimated.

4. Railway Repair Shops.....	6	4	1,253	1,105	60	42,941	8,160'	51,101
5. b-d. Cycles and Motor Vehicles:								
Automobiles.....	1	1	46	11	7	66	42	108
6. Ship and Boat Building:								
Dry docks.....	1	1	653	53		53		53
7. Agricultural Implements.....	1	1	75	8		72		72
8. Scientific Instruments, Etc.:								
Photographic specialties.....	1	1	20	15		23		23
10. Electrical Apparatus:								
Electric signals.....	1	1	80	46		460		460
Total—Group II.....	40	44	9,185	4,500	1,987	119,156	29,617	148,773
III. Wood.								
Planing mills, etc.....	4	4	654	331	3	2,332	618	2,950
Couches and chairs.....	1	1	25	10		10		10
Pulp wood.....	1	2	390	120	270	2,040	4,500	6,630
Total.....	6	7	1,069	461	273	4,382	5,208	9,590
IV. Leather and Rubber Goods.								
Gloves.....	2	3	817	43	50	863	1,300	2,163
Shoes.....	2	16	550	399	50	13,378	7,800	21,178
Total.....	4	19	1,367	442	100	14,241	9,100	23,341
VI. Paper and Pulp.								
Paper.....	1	1	207	139	25	3,892	700	4,592
VII. Printing and Paper Goods.								
Check books.....	2	1	252	26		41		41
Job printing.....	1	14	46	43	3	173	12	184
Plate printing.....	1	1	70	23	30	345	450	795
Total.....	4	16	368	92	33	558	463	1,020
VIII. Textiles.								
Knit goods.....	1	1	173	11		264		264
Silk ribbons.....	3	3	647	285	295	4,446	4,484	8,980
Worsted.....	1	1	960	80	700	480	4,560	5,040
Total.....	5	5	1,780	376	1,051	5,190	8,994	14,184
IX. Clothing, Millinery, Laundry, Etc.								
Cloaks.....	1	2	600	200		1,800		1,800
Hats and caps.....	3	3	611	224	323	4,960	7,406	12,366
Shirts, collars and cuffs.....	2	25	15,200	940	7,000	53,878	140,000	193,878
Shirt waists.....	11	11	7,823	602	26	7,839	348	8,187
Wire hat frames.....	1	1	35	29		116		116
Total.....	18	42	17,372	1,985	7,348	68,593	147,754	216,347

TABLE 19—Concluded.

INDUSTRIES.	Number of disputes	NUMBER OF ESTABLISHMENTS—		NUMBER OF EMPLOYEES—			AGGREGATE NUMBER OF WORKING DAYS LOST BY EMPLOYEES—		
		Concerned.	Closed.	Before dispute.	Directly concerned.	Indirectly affected.	Directly concerned.	Indirectly affected.	Total.
X. Food, Tobacco and Liquors.									
Bakeries.....	1	53	53	370	200	.....	2,400	.....	2,400
Breweries.....	1	1	.....	38	6	.....	234	.....	234
Cigarettes.....	3	3	2	920	470	.....	8,630	700	9,330
Malt.....	1	17	17	254	254	.....	7,900	.....	7,900
Total.....	6	74	72	1,512	930	350	19,154	700	19,854
XII. Building Industry.									
Carpentry.....	2	*2	.....	1810	450	300	28,650	13,500	42,150
Dock building.....	2	2	2	213	213	.....	1,926	.....	1,926
Masonry.....	5	143	117	13,364	3,019	10,000	13,395	90,700	104,095
Painting, etc.....	7	80	80	4675	648	25	8,537	125	8,662
Plastering.....	2	45	45	191	191	.....	2,972	.....	2,972
Pipefitting, gas and steam fitting.....	7	52	42	483	284	170	3,122	907	4,029
Plumbing, etc.....	2	81	81	1,450	1,450	.....	51,590	.....	51,590
Street contracting etc.....	1	*1	.....	5,000	709	.....	8,508	.....	8,508
Tunnel construction.....	1	.....	.....	.....	.....	.....	.....	.....	.....
Total.....	28	386	323	22,186	7,004	10,495	118,610	104,632	223,142
XIII. Transportation.									
Freight handling.....	3	3	1	183	183	.....	151	.....	151
Storage.....	1	1	.....	63	19	44	.....	.....	.....
Street railways.....	2	2	1	1,076	1,071	.....	12,621	.....	12,621
Trucking and teaming.....	1	*1	.....	600	600	.....	12,000	.....	12,000
Total.....	7	7	2	1,922	1,873	49	24,772	.....	24,772
XV. Hotels, Restaurants, Etc.									
Hotels.....	1	1	.....	22	22	.....	.....	.....	.....
XVI. Professions (including Theaters, Photographers, Engineers, Etc.)									
Theaters.....	1	12	.....	13,220	3,000	220	78,000	5,720	83,720
Grand total.....	126	649	501	62,536	22,057	22,766	497,446	317,632	815,078

* Associations, number of firms therein not reported. † These figures are incomplete, representing, in part, only those on strike. ; Exact number not known; five at least. § One of these was an association composed of several firms; number not reported.

BUREAU OF MEDIATION AND ARBITRATION.
Table 20.—Summary Statement of Work, January 1–September 30, 1901.

Date of dispute.	Locality.	Occupation or industry.	No. of employees involved.	INTERVENTION OF STATE BOARD OF MEDIATION.			Dispute closed.
				Before or after strike.	Mediation or conciliation.	Settlement.	
April 1	Buffalo	Team drivers	700	After*	Conference arranged; union officials not present, April 6; 2d conference held May 10; strike settled.	Each mill owner made his own terms with the employees.	May 21
April 1	Buffalo	Wood workers	.....	After	Both sides declined to confer.	Shops burned and were not rebuilt.	.....
April 3	East Rochester	Railroad shopmen	170	After	Company declined to confer, April 4–5.	Settled by mutual concessions.	May 28
May 1	Buffalo	Furnace employees	300	After	Two conferences; no settlement.	Settled through mediation of Mayor of Albany.	May 18
May 7	Albany-Troy	Street railway men	1,011	After	Conference arranged; agreement signed May 13; rejected by the men.	One month later men returned to work upon former conditions.	June 20
May 20	New York City	Machinists	750	Before†	Conciliation; terms not accepted by union officers.	.....	.....
May 20	Orleans county	Quarrymen	500	After	Conciliation; terms proposed June 26, and accepted by both sides.	Street contractors accepted terms previously rejected.	July 6
May 20	Rochester	Laborers	1,200	After	Conference arranged May 28, June 4; no agreement; conciliation failed.	Strike never formally declared.	July 25
May 30	Jamestown	Street railway men	59	After	After failure of conciliation, a conference was arranged June 29; unsuccessful.	off, but railway did not suspend operations.	.....
June 5	Niagara Falls	Paper makers	100	After	Company declined to confer.	Settled by compromise.	July 6
July 8	Tupper Lake	Sawmill employees	400	After	Conciliation failed July 19.	Men resumed work.	July 29
July 26	Olean	Stave and heading workers	25	After*	Men induced by Board to return to work.	.....	Aug. 1
Aug. 1	Buffalo	Longshoremen	1,000	After	A general strike; settled by	National representatives.	Aug. 7
Aug. 13	Buffalo	Structural iron workers	150	After	Conference held August 16; settlement effected.	.....	Aug. 17
Aug. 22	New York City	Shirt-waist makers	50	After	Conference held August 29; settlement effected.	.....	Aug. 23
Aug. 8	New York City	Cigarette makers	300	After	Conciliation, Sept 18–21; unsuccessful.	Employees gradually returned upon former conditions.	.....
Sept. 25	New York City	Shirt-waist makers	200	After	Conciliation; employers yielded.	.....	Sept. 28.

* Intervention made each time at request of employees.

† Intervention made upon request of employer, May 5.

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EDITORIAL SUMMARY.

State of Employment. The amount of idleness among the members of New York labor organizations in the first quarter of 1902 was far smaller than it has been in the months of January, February and March in any recent year. Heretofore, at least 10 per cent of trade unionists have been idle during those months, but this year the proportion has fallen to 6.2 per cent. Similarly, the proportion of unionists idle at the end of the quarter was only 13.6 per cent in 1902, as compared with 30.6 per cent in 1897 and 18.3 percent in 1899, the best record hitherto for the end of March. While the improvement is fairly general, it is particularly noticeable in the building trades, which contain nearly one-third of all the members of labor organizations in the State. In the clothing trades, too, the proportion of unemployed unionists was much smaller than usual, although it did not quite equal the remarkable record of 1899.

Employment and Earnings. While the proportion of union wage-earners who found some employment in January, February or March increased very largely in comparison with previous years, the duration of their employment averaged only a little better than in the corresponding months of last year. The average number of days worked by the men increased from 58 in 1897 to a little less than 67 in 1901 and 67.3 in 1902. Average earnings of organized workingmen increased in about the same ratio, having been \$155 in the first quarter of 1897, a little less than \$183 in 1901 and a little over \$184 in 1902. On the whole, therefore, the conditions of the labor market were better in the first three months of the present year than they have been in the corresponding period of any year since the depression of 1893.

Building Operations. Building operations in the first three months of the year, before the interruption occasioned by the usual spring disputes, were very active in all the large cities. In New York City fewer plans were filed than in the first quarter of 1901, when builders were anticipating the enactment of a new tenement-house law, but the number of buildings completed was nearly as large and the extensive public works for the rapid transit commission kept many craftsmen employed. The estimated cost of projected buildings in Buffalo, Rochester and Syracuse was greater than in the corresponding quarter of any recent year save in Buffalo in 1901, when unusual preparations were making for the Pan-American Exposition.

New labor Organizations. The number of labor organizations in this State at the end of March was 1,930, which is an increase of 59 over the number existing last September. The number of new unions recorded was 152; of old unions dissolved, 93. The aggregate membership is now 279,950, an increase since September of only 3,809. Most of the New York City unions made substantial gains and, notwithstanding a loss of 5,500 among the builders' laborers, the metropolis in its entirety gained 6,740. But unionism in the remainder of the State lost ground in most industries, the total decline having been 2,931 between October 1 and April 1. The principal losses were in the transport and metal working trades. The number of women in labor unions was 12,705 at the end of March, a decline of 1,913 since October 1; the decline was principally among the garment workers of New York City.

Immigration. The number of immigrants at the Port of New York in January, February and March, 1902, was 104,937, which was 35,154 more than a year ago and 76,829 more than in 1895. Southern Italy continued to supply the largest contingent of the newcomers (28 per cent of the aggregate), people of Polish descent ranking second. As compared with the preceding year the largest increase is among the Lithuanian, Magyar and Polish elements, although German immigration is again becoming large. The largest percentage of illiteracy is found among the Portuguese, Lithuanians, Ruthenians, Southern Italians and Poles. Slightly

more than one-third of the immigrants expect to make their residence in New York State and 26 per cent in Pennsylvania.

FACTORY

Factory Inspection. In the first three months of 1902 the deputy factory inspectors inspected 4,448 factories, workshops and bakeries, 7 mines and quarries and 7,765 tenement workrooms, besides visiting 4,000 places that were found closed, burned, removed, etc.; in March the entire force of inspectors was occupied in the inspection of licensed shops and workrooms in New York City. Nearly 5,000 places were inspected, in addition to those already mentioned, as preliminary to the granting of a license, and 3,809 licenses were issued while 542 were refused in the entire State. The number of licenses returned on account of cessation of work or change of residence was 3,862 and 262 licenses were revoked, so that the number of licenses in force declined from 31,213 at the end of December to 30,898 at the end of March; 21,974 of these places were in New York City and 8,924 in other cities and towns. In February there were 24 cases of smallpox found in licensed workrooms, and in the five months, October-February, the total number of cases of contagious disease (smallpox, scarlet fever, diphtheria) found in licensed places was 90.

ACCIDENTS

Accidents. The total number of accidents in factories reported in the first three months of 1902 was 677, of which 23 were fatal and at least 63 involved permanent disability. Twenty of the persons injured were boys and 3 were girls under 16 years of age while 62 were young men between 16 and 18 years. About one-half of the accidents were due to machinery.

INDUSTRIAL

Industrial Disputes. The Bureau of Mediation and Arbitration recorded 22 industrial disputes in the first quarter of this year, involving 75 firms or associations of employers. The number of employees directly affected by these disputes was 1,788 and the number indirectly affected 744, while the duration of the disputes in working days (time lost by the 2,532 workpeople) was 84,425. Four of the disputes that ended in the period began in 1901, while

2 of the 18 disputes that began in the quarter are still unsettled. More than one-half the disputes turned upon the question of wages. Members of the Board of Mediation and Arbitration have assisted in the adjustment of 10 disputes in the past three months, while the offer of their services was declined in 10 cases and conferences which they arranged between employers and employees proved unsuccessful in 2 cases. Among the larger strikes which the Board assisted in settling were those in several New York tin can factories (2,000 employees), Niagara Falls building trades (800 employees), Port Chester foundry (225 employees), Glens Falls lime and cement works, etc., and a threatened strike in all the New York paper mills of the International Paper Company.

Agreements. Two important Buffalo industries will, for several months at least, be free from the interruptions and losses occasioned by disputes between capital and labor, as they have entered into long term agreements regulating the conditions of employment. The brewing industry of Buffalo is to be governed by articles of agreement between all the brewers represented in the Brewers' Exchange and the local unions of the United Brewery Workmen, extending over two years from March 1. The principal features are: Union men exclusively to be employed, except in case of coopers needed in emergencies, a nine hour day for the inside workmen, twelve hours for engineers and firemen, and ten hours for oilers and helpers. The agreement made April 5 between the International Longshoremen's Association and the Lake Carriers Association governs the employment of grain shovelers upon the Buffalo docks and assures peace, in place of the frequent disputes that used to prevail there, by the establishment of a scheme of arbitration. The agreement provides for a scale of \$2 per 1,000 bushels of grain unloaded, for the discharge of intoxicated men and the continued banishment of saloon and political influences, which created so much trouble prior to 1899 (see BULLETIN No. 1, page 28). The Longshoremen's Association has also signed an agreement with the Lumber Carriers' Association which provides for the displacement of the boss stevedores and the consequent saving of these middlemen's profits.

**The Eight
Hour Law
Constitutional.**

The Appellate Division of the Supreme Court has unanimously affirmed the constitutionality of the eight hour law in the case of the People vs. the Orange County Road Construction Company, which was indicted for permitting its employees to labor more than eight hours a day upon public roads. The company demurred to the indictment on the ground that the law was unconstitutional and the Orange county court, relying upon the adverse decision of the Court of Appeals upon the prevailing rate of wages clause in the same law, had dismissed the complaint. The Appellate Division now reverses the judgment of the county court and overrules the demurrer. Its decision in favor of the validity of the law is in line with and in fact is based upon a Supreme Court decision of 1894 sustaining the eight hour clause in the Buffalo city charter.

THE

**The Right to
Strike.**

Since 1870 the workmen of New York have possessed the undoubted right to co-operate in organizations and withdraw from employment in a body when dissatisfied with their compensation. But in exercising the right to cease work collectively (*i. e.*, to strike) they have generally been obliged by the courts to show that their immediate purpose was to advance or maintain wages; hence if they refused to work with employees who were not members of their organization, their combination was held to be a conspiracy against such non-members and therefore unlawful. The theory of the judges has been well stated in one of the law books in the following words: "The courts recognize the right of workmen to combine together for the purpose of bettering their condition, and in endeavoring to attain their object they may inflict more or less inconvenience and damages upon the employer; but a threat to strike unless their wages are advanced is something very different from a threat to strike unless workmen who are not members of the combination are discharged. In either case the inconvenience and damage inflicted upon the employer is the same; but in the one case the means used are to attain a legitimate purpose, namely, the advancement of their own wages, and the injury inflicted is no more than is lawfully incidental to the enjoyment of their own legal rights. In the other case the object sought is the injury of a third party; and while it may be argued that indirectly

the discharge of the non-union employee will strengthen and benefit the union and thereby indirectly benefit the union workmen, the benefit to the members of the combination is so remote, as compared to the direct and immediate injury inflicted upon the non-union workman, that the law does not look beyond the immediate loss and damage to the innocent party, to the remote benefits that might result to the union." This interpretation of the law of conspiracy has now been overturned in New York State by a decision of the Court of Appeals in a suit between rival organizations of steam fitters, which has been in the courts for three years. In this case (*National Protective Association vs. Cumming et al.*), the final decision is that a strike, or threat to strike, for the purpose of securing the discharge of non-members of the organization is lawful, inasmuch as the injury to third parties is incidental to the benefit of securing employment for the members of the union. The decision was rendered by a divided court (4 to 3), the prevailing opinion being written by Chief Justice Parker and the minority opinion by Judge Vann.

**The Ten Hour
Bakeshop Law
Sustained.**

The power of the Legislature to limit the hours of labor of women and minors is no longer questioned, but its competency to regulate the working hours of adult males is frequently contested on the ground that such laws impair liberty of contract and are therefore unconstitutional. On this ground the bakeshop law of 1895, which limits the hours of work of bakery employees to ten per day, was contested in the courts by a Utica master baker convicted of violating the law by the Oneida county court. He appealed from its judgment to the Appellate Division of the Supreme Court, Fourth Department, which thus sustains the law: "When one devotes his property to a use or carries on a business in which the public has an interest, he holds the property and carries on the business subject to the police power of the State to regulate and control its use, so as to protect and preserve the public health, the public morals, and the general safety and welfare of the public."

**Other Judicial
Decisions.**

The "police power" of the State also justifies the enactment of the Tenement House Act of 1901, according to a decision of the Appellate Division, Second Department. Another judicial decision promulgates the rule that surplus

earnings due employees under a profit-sharing scheme are not wages within the meaning of the law which requires receivers of bankrupt properties to give preference to wage debts. Suits for damages on account of personal injuries continue to give rise to numerous decisions under the common-law rules of employers' liability.

Employers' Liability Law. Hereafter cases pertaining to the liability of employers will be decided not solely according to common-law rules inherited, for the most part, from England, but also under statutory law. The employers' liability law enacted by the Legislature of 1902 (chapter 600) is the culmination of a seven-year campaign carried on by the workingmen of the State for the abrogation of some of the obviously unjust doctrines of the common law. One of the most conspicuous of these objectionable theories has been the doctrine that a workman who continues in his employment by that very act tacitly accepts not only the ordinary and obvious risks of the business, but also the extra hazardous ones that the employer is legally bound to remove; that is to say, the factory acts have made it the duty of the employer to guard certain machinery, but if he fails in that duty he does not become liable to an employee injured in consequence thereof, since the employee by continuing at work has consented to assume the risk of injury. The liability act aims to put an end to this doctrine under which the employee "waives" his legal rights. It is a question to what extent the new law modifies the fellow-servant doctrine as applied to foremen and superintendents.

Regulating Conditions of Labor on Public Work. In order to remedy the lack of authority in the Legislature to prescribe the conditions of labor upon public works, the Senate and Assembly this year passed a concurrent resolution to amend the Constitution. The proposed amendment has to be agreed to by the next Legislature before going before the people. Meanwhile, a law (chapter 454) has been enacted to regulate the "padrone system" under which Italian laborers employed on public work are mulcted by the padrones and petty contractors; while another act (chapter 588) confers upon the aqueduct commissioners of New York City power to put the contract for the Jerome Park reservoir upon an eight-hour basis, and a third act (chapter 609) permits the dock commissioners

of New York City to do dock building and repairing by direct employment instead of through contractors.

Other Labor Laws of 1902. For a good many years workingmen have sought the passage of a judgment debtor law which should prescribe the imprisonment of an employer who defrauded them out of their wages. Working women in New York City have long been thus protected and this year in the codification of statutes relating to the municipal court of the metropolis (chapter 580), the Legislature made the same privileges available for either sex. The "union label" is further protected by providing the same penalties for the illegal use of genuine labels that have existed for the use of counterfeit labels (chapter 88). The university law was amended so as to facilitate the establishment and support of public libraries by cities and villages (chapter 185), and the tenement house law was extensively amended (chapter 352) to meet the criticism of builders. Most of the amendments were acquiesced in by the tenement house department of New York City; only one important provision—for interior lighting and ventilation—having been repealed in spite of its opposition.

Unsuccessful Bills. Several bills supported by the representatives of organized working people passed the Legislature but failed to become laws. Among these were the cash bail bill to correct abuses involved in the imprisonment of wage-earners in the Ludlow street jail in New York City; a bill looking to the establishment of a municipal lighting plant in Syracuse; a bill requiring mayors and local officers to report strikes to the Department of Labor; and a bill providing for more stringent regulations of sweat shops (recalled from the Governor). Among the bills relating to labor that passed the Assembly were measures exempting cheese factories from the factory law, prohibiting the employment of women and children at polishing and buffing with a tripoli or rouge wheel, requiring vestibules on street cars in the winter months, etc. The number of "labor bills" introduced which failed of passage in either chamber is too large for enumeration; it included the bill for a State board to license barbers, semi-monthly payment of wages to employees of railway companies, State and municipal printing plants, etc.

CONDITION OF ORGANIZED LABOR IN THE FIRST THREE MONTHS OF 1902.

I. Number and Membership of Labor Unions.

The growth of trade unionism in New York has continued at a somewhat diminished rate. Between the end of September, 1901, and the end of March, 1902, the net increase in unions was 59 and in membership 3,809. The growth since 1897 is shown in the following table:

TABLE 1.

	Organizations.	MEMBERSHIP.			MEMBERS IN—	
		Men.	Women.	Total.	N. Y. City.	Other towns.
1897, March 31.....	927	138,249	4,321	142,570	.....	.....
1898, March 31.....	1,048	173,349	6,606	179,955	.....	.....
1899, March 31.....	1,166	166,005	7,511	173,516	122,993	50,523
1900, March 31.....	1,452	223,069	9,464	232,533	153,129	79,404
1901, March 31.....	1,742	234,728	10,123	244,851	149,849	95,002
1901, September 30.....	1,871	261,523	14,618	276,141	174,022	102,119
1902, March 31.....	1,930	267,245	12,705	279,950	180,763	99,186

The growth in the last six months is seen to be much smaller than that in the preceding six months, but is larger than in the corresponding period one year ago. In fact the total membership of New York unions declined from 245,881 in September, 1900, to 244,851 in March, 1901, whereas it has increased from 276,141 in September, 1901, to 279,950 in March, 1902. The gain is entirely in New York City, the remainder of the State having lost nearly 3,000 in membership. Tables 2 and 3 reveal the changes in the various industries, both in New York City and the remainder of the State.

TABLE 2.

NUMBER AND MEMBERSHIP OF LABOR ORGANIZATIONS—BY INDUSTRIES.

GROUPS OF TRADES.	ORGANIZATIONS.		MEMBERSHIP, MARCH 31.				
	Sep. 30, 1901.	Mar. 31, 1902.	Increase in			Men.	Women.
			Increase.	N. Y. City.	Other towns.		
Building, stone working, etc....	515	533	18	*1	19	79,920	79,920 5,481—
Clothing and textiles	150	155	5	12	*7	34,549	42,119 236+
Metals, machinery, etc.....	323	325	2	6	*4	37,351	50 37,401 1,839+
Transportation.....	240	254	14	1	13	34,332	8 34,335 36—
Printing, binding, etc.....	99	102	3	2	1	20,024	805 20,829 2,843+
Tobacco	57	59	2	1	1	8,760	2,249 11,009 799+
Food and liquors.....	120	125	5	2	3	9,878	..... 9,878 427+
Theaters and music.....	38	40	2	.....	2	10,880	1,702 12,582 894+
Wood working and furniture ..	71	69	*2	1	*3	8,509	25 8,534 274+
Restaurants and retail trade ..	83	87	4	3	1	6,753	293 7,045 241+
Public employment	81	81	.....	.....	.....	8,892	9 8,901 759+
Miscellaneous	94	100	6	1	5	7,397	..... 7,397 1,014+
Total.....	1,871	1,930	59	28	31	267,245	12,705 279,950 3,809+

* Decrease.

In New York City there were 8 unions that were amalgamated with other organizations and 9 that lapsed between September and March. Opposed to this loss of 17 was the formation of 45 new unions, leaving a net increase of 28. In the remainder of the State 107 new unions were recorded, which were partially offset by the amalgamation of 4 and disbandment of 72 unions, leaving a net gain of 31. The total number of new unions in the State was 152, of old unions dissolved, etc., 93; net gain, 59.

In the State as a whole only one industry (wood working and furniture) has lost ground, in respect of organizations, in the past six months, and this industry has increased in aggregate membership. The building industry, however, has lost quite heavily in membership (5,500 members); but for this decline the general increase would be nearly normal. The loss in membership in the building trades is virtually confined to New York City and is among the laborers' unions. Outside of the metropolis the membership in this industry shows a loss of only 16.

TABLE 3.
MEMBERSHIP OF LABOR ORGANIZATIONS IN NEW YORK CITY AND THE REMAINDER OF THE STATE—BY INDUSTRIES.

GROUPS OF TRADES.	Sex.	NEW YORK CITY.			OTHER CITIES AND TOWNS.		
		Sept. 30, 1901.	Feb. 31, 1902.	Increase or decrease.	Sept. 30, 1901.	Feb. 31, 1902.	Increase or decrease.
1. Building, stone working, etc	M	62,681	57,218	5,463—	22,720	22,704	16—
2. Clothing and textile.....	M	26,060	29,453	3,393+	5,068	5,096	270—
	F	6,810	4,312	2,508—	2,347	2,358	11+
3. Metals, machinery, etc....	M	17,021	20,024	3,003+	18,521	17,327	1,194—
	F	20	50	30+	.....	.....	.....
4. Transportation	M	10,897	12,384	1,487+	22,471	21,968	1,503—
	F	3	3	.....	.....	.....	.....
5. Printing, binding, etc.....	M	12,943	16,621	3,678+	2,187	2,403	216+
	F	480	640	160+	426	165	261—
6. Tobacco.....	M	4,230	5,172	942+	2,491	2,588	97+
	F	2,342	2,112	230—	147	187	10—
7. Food and liquors.....	M	4,781	5,377	646+	4,720	4,501	219—
8. Theaters and music.....	M	9,072	8,681	391—	2,107	2,199	92+
	F	453	1,062	1,209+	56	40	16—
9. Wood working, furniture...	M	5,845	6,276	431+	2,393	2,233	160—
	F	.....	25	25+	22	.....	22—
10. Restaurants, retail trade...	M	1,238	2,023	784+	5,064	4,731	333—
	F	310	130	180—	192	162	30—
11. Public employment.....	M	6,908	7,623	715+	1,224	1,369	145+
	F	.....	.....	.....	10	9	1—
12. Miscellaneous.....	M	978	1,099	121+	5,405	6,296	891+
Total	M	163,604	171,928	8,324+	97,919	95,317	2,602—
	F	10,418	8,694	1,684—	4,200	2,871	339—
	T	174,022	180,763	6,740+	102,119	98,188	3,931—

Table 3, however, shows that nearly all the other metropolitan industries have gained rather than lost, while most of the interior industries have been declining or at the most made slight gains. Taking up the several industries, after the first group of the building trades we find that the clothing and textile industries gain five new unions but only 236 members. There were losses of 2,500 members among the female garment workers in New York City and among the shirt and laundry workers "up-State," which were counterbalanced by gains in the boot and shoe, shirt-making and laundry trades in the metropolis.

The metal-working and machine-making trades, constituting the third group, gained 1,839 members. In the metropolis the increase was over 3,000, while in the interior the decline was nearly 1,200—principally among the engineers and firemen.

The transport trades gained 14 unions, but lost 36 members, which is largely due to fluctuations within the ranks of seamen's unions—gain of 1,000 through the addition of a New York union and loss of 1,200 in Buffalo. The increase of 2,843 in the typographical trades is almost entirely in New York City, as is likewise the gain of 800 in the tobacco trades and of 427 among the bakers, brewers and butchers (food and liquors), and the actors and musicians. In both wood working and furniture and restaurants and retail trade the losses in interior cities and towns were more than made good in New York City, while in the last two groups, public employment and miscellaneous, the gains were distributed throughout the State.

II. Unemployment.

At the end of March 36,710 out of 270,855 members of labor organizations were idle at their trade, a proportion of 13.6 per cent. And 16,776, or 6.2 per cent, were idle throughout the months of January, February and March. The comparison with the past five years is as follows:

TABLE 4.
NUMBER AND PERCENTAGE OF MEMBERS OF LABOR UNIONS IDLE—
AT THE END OF MARCH. DURING FIRST QUARTER.

	AT THE END OF MARCH.		DURING FIRST QUARTER.	
	Number.	Percentage.	Number.	Percentage.
1897.....	43,654	30.6	35,381	24.8
1898.....	37,867	21.0	18,102	10.1
1899.....	31,751	18.3	22,658	13.1
1900.....	44,336	20.0	22,895	10.1
1901.....	42,244	18.5	26,841	11.3
1902.....	36,710	13.6	16,776	6.2

It thus appears that employment was exceptionally good during the first quarter of 1902. Until this year, the proportion of members of labor unions who were unemployed throughout the quarter had never been less than 10 per cent; but this winter the proportion fell to 6.2 per cent. Similarly the percentage of idleness at the end of the quarter, which heretofore has not fallen below 18 per cent, was this year only 13.6 per cent. The inquiry as to whether this unusual condition of the labor market was due to special influences in individual trades or was general throughout all industries will be answered by the following comparative figures for 1899, 1900, 1901 and 1902:

TABLE 5.
IDLENESS OF MEMBERS OF LABOR ORGANIZATIONS—BY INDUSTRIES.

GROUPS OF TRADES.	AT END OF MARCH.					DURING FIRST QUARTER.				
	Num- ber. 1902.	Percentage.				Num- ber. 1902.	Percentage.			
		1902.	1901.	1900.	1899.		1902.	1901.	1900.	1899.
1. Building, stone working, etc..	16,608	20.9	27.2	33.0	35.1	6,112	7.7	14.5	17.4	28.1
2. Clothing and textiles.....	7,089	16.9	21.5	22.1	8.0	2,221	5.3	9.0	5.4	8.3
3. Metals, machinery, etc.....	2,162	5.9	9.4	7.0	7.2	1,238	3.4	5.9	2.3	3.3
4. Transportation.....	5,199	15.9	23.6	23.1	10.8	4,077	12.3	20.2	19.8	8.3
5. Printing, binding, etc.....	1,758	8.5	8.2	7.5	8.1	1,239	6.0	6.7	5.5	5.6
6. Tobacco.....	573	5.2	13.0	12.3	12.2	164	1.5	6.8	2.5	9.4
7. Food and liquors.....	683	6.9	13.2	10.2	9.4	417	4.2	10.4	6.3	5.8
8. Theaters and music.....	728	9.2	9.5	8.2	14.9	429	5.5	4.7	3.4	3.4
9. Wood working, furniture.....	968	11.7	13.3	11.8	14.1	346	4.1	9.1	1.7	8.5
10. Restaurants, retail trade.....	291	4.2	9.6	7.0	18.3	173	2.5	5.3	5.0	8.6
11. Public employment.....	435	4.9	1.6	1.9	11.0	311	3.5	0.5	1.5	11.0
12. Miscellaneous.....	197	3.0	17.9	6.2	2.6	49	0.8	13.5	2.1	2.0
Total.....	36,710	13.6	18.5	20.0	18.3	16,776	6.2	11.3	10.1	13.1

Idleness at the end of the quarter was least in amount in 1899, previous to this year, and the comparison for the several industries may therefore be profitably directed to 1899 and 1902. Scrutiny of the table shows that 1902 has lower percentages of unemployment than 1899 in 8 of the 12 industries, the exceptions being clothing and textiles, transportation, printing and miscellaneous. In 3 of these 4 industries, the record of 1899 was quite exceptional, so that 1902 still surpasses that of 1900 and 1901 in clothing and textiles, transportation and miscellaneous trades. In the single industry of printing and publishing, the percentage of the unemployed at the end of March was larger this year than in any of the preceding years; in virtually all other industries this year's figures compare favorably with the best of the figures in other years. In the clothing trades alone, 1899 has a record that is unapproached in other years.

With respect to continuous idleness during the entire quarter, the favorable conditions of 1902 do not prevail throughout so many industries; in fact in 5 of the 12 industries (groups II, III, IV, V and VIII) the percentages of unemployment are slightly higher in 1902 than in 1899. The differences in favor of 1899, however, are not large in these five industries; while, on the other hand, the proportion of employment in 1902 is unprecedentedly low in important industries like the building trades, which comprise nearly one-third of all members of labor organizations; in 1902, 7.7 per cent, as compared with 14.5 per cent in 1901, 17.4 in 1900 and 28.1 in 1899.

The following table shows that the unusually small amount of idleness in the first quarter of the present year was not due to fewer strikes or lockouts or less sickness, but solely to greater industrial activity:

TABLE 6.
CAUSES OF IDLENESS AT THE END OF MARCH.

CAUSE.	NEW YORK STATE.									
	New York City.		Interior towns.		Number.		Percentage.			
	1902.	1901.	1902.	1901.	1902.	1901.	1902.	1901.	1900.	1899.
Slack trade.....	20,302	23,930	3,855	7,058	23,067	30,988	64.4	73.4	41.8	
Weather or lack of materials.	3,320	461	5,839	6,361	8,159	6,822	22.2	16.1	46.0	
Strike or lockout.....	653	329	417	537	1,070	868	2.9	2.0	4.5	
Sickness, old age.....	1,768	1,700	693	761	2,410	2,461	6.7	5.8	5.1	
Other reasons.....	823	97	464	478	1,287	575	3.5	1.4	3.1	
Reason not stated.....	32	312	65	220	97	582	0.8	1.3	...	
Total idle.....	25,888	26,829	10,822	15,415	38,710	42,244	100.0	100.0	100.0	

In March, 1901, 73.4 per cent of all the idleness was attributed to slack trade, while in 1902 only 64.4 of the idleness was thus assigned. In the building trades this year only 12,051 men were idle at the end of March on account of slack trade, while in March, 1901, the corresponding number was 17,836:

TABLE 7.
NUMBER OF MEMBERS OF LABOR ORGANIZATIONS
IDLE BECAUSE OF—

GROUPS OF TRADES.	IDLE BECAUSE OF—						Total.
	Slack trade.	Weather or lack of materials.	Strike or lockout.	Sickness, old age.	Other reasons.	Reason not stated.	
1. Building, stone working, etc.	12,051	3,091	559	458	388	56	16,803
2. Clothing and textiles.....	6,049	186	112	671	71	.....	7,089
3. Metals, machinery, etc.....	625	1,128	69	221	116	3	2,162
4. Transportation.....	951	3,344	194	284	420	6	5,199
5. Printing, binding, etc.....	1,238	23	51	339	101	6	1,758
6. Tobacco.....	384	17	.....	161	27	3	572
7. Food and liquors.....	452	63	.....	64	104	.....	683
8. Theaters and music.....	719	.....	7	2	.....	.....	728
9. Wood working, furniture....	847	5	54	63	15	9	993
10. Restaurants, retail trade....	220	10	.....	30	21	10	291
11. Public employment.....	6	250	24	145	10	.....	435
12. Miscellaneous.....	115	42	.....	22	14	4	197
Total.....	23,657	8,159	1,070	2,440	1,287	97	36,710

III. Employment and Earnings.

The tables in the Appendix which contain the figures of idleness also show the number of days worked by trade unionists who had employment. It appears that the 251,694 members who worked at all in January, February and March accomplished 16,971,004 days work, or an average of 67.4 days each. The average number of days worked by male members was 67.3 and by female members 69. Dropping the fractions, the averages for the past six years were as follows:

TABLE 8.
AVERAGE NUMBER OF DAYS WORKED BY UNIONISTS WHO HAD EMPLOYMENT IN THE FIRST QUARTER OF EACH YEAR.

	Men.	Women.
1897.....	58	63
1898.....	62	61
1899.....	64	62
1900.....	66	65
1901.....	67	63
1902.....	67	69

As far as women are concerned, the first quarter of 1902 was by all odds the most advantageous for steady employment of any of the years since 1897. The superiority of 1902 for the male unionists is not so pronounced, but it exists, since the average in 1901 was somewhat under 67 days, while this year it is $\frac{3}{10}$ of a day more than 67 days. A comparison of the two periods by industries follows:

TABLE 9.
AVERAGE NUMBER OF DAYS EMPLOYED (MEN ONLY) IN THE FIRST QUARTER OF 1901 AND 1902.

GROUPS OF TRADES.	Number employed, 1902.	AVERAGE NUMBER OF DAYS WORKED.			
		1902.	1901.	New York City, 1902.	Interior towns, 1902.
1. Building, stone working, etc.....	72,421	56	55	56	58
2. Clothing and textiles.....	32,902	63	58	61	71
3. Metals, machinery, etc.....	35,035	75	74	76	74
4. Transportation.....	28,411	76	78	70	80
5. Printing, binding, etc.....	18,765	72	70	71	75
6. Tobacco.....	8,591	70	71	68	71
7. Food and liquors.....	9,413	75	75	75	75
8. Theaters and music.....	5,856	71	73	72	66
9. Wood working, furniture.....	8,054	70	70	69	73
10. Restaurants, retail trade.....	5,625	77	77	75	77
11. Public employment.....	8,480	83	82	82	88
12. Miscellaneous.....	6,339	73	73	75	72
Total men.....	239,492	67	67	65	71
Total women.....	12,202	69	63	68	72

As usual, the metropolis has a lower average than the remainder of the State, both in the aggregate and in all but three of the groups of trades. As between 1901 and 1902, the former year has the larger averages only in groups IV, VI and VIII (transportation, tobacco manufactures, theaters and music). The street railway men in Brooklyn, who in 1901 averaged 78 days, this year averaged only 65, thus bringing down the average for the transport trades; and musicians, outside of New York City, who last year averaged 77 days, this year averaged only 65 days. For three groups of trades (wood working, restaurants and retail trade, and miscellaneous), the quarterly average was the same in both years.

To correct the average, it is necessary to show within what range variations from the average occur, thus :

TABLE 10.
DAYS WORKED IN FIRST QUARTER OF 1901 AND 1902.

	MEN.			WOMEN.		
	Number. 1902.	Percentage.		Number. 1902.	Percentage.	
		1902.	1901.		1902.	1901.
1 month (1-29 days).....	9,638	4.0	5.0	29	0.2	5.3
2 months (30-59 days).....	46,400	19.3	21.4	1,413	11.8	22.5
3 months (60-79 days).....	154,036	64.4	61.7	10,534	87.3	70.6
Overtime (over 80 days)....	29,418	12.3	11.9	96	0.8	1.6
Total.....	239,492	100.0	100.0	12,202	100.0	100.0

Four per cent of all the male unionists who had employment in January, February or March, 1902, worked less than 30 days; 19.3 per cent worked approximately more than one month and less than two months; 64.4 per cent worked between two and three months, and 12.3 per cent worked 80 days or over. As there were only 77 working days in the quarter, this overtime means one of two things: either the wage-earners thus classified worked on Sunday (railroad men, letter carriers, engineers and firemen), or they worked extra time on week days, thereby securing pay for more than a day's work. Table I in the Appendix shows how general this overtime was; it is to be observed even in the garment-making trades, and in fact in every industry except tobacco manufactures.

Table 10 shows that a larger proportion of members of labor unions worked full time or overtime in the first quarter of the present year than in 1901. It would therefore be expected, other things remaining the same, that the proportion of members making large earnings would also increase, which proves to be the case.

TABLE 11.
DISTRIBUTION OF EACH 100 MALE MEMBERS OF LABOR ORGANIZATIONS ACCORDING TO AMOUNT
EARNED IN THE FIRST QUARTER OF—

GRADES.	1899.	1900.	1901.	1902.
Less than \$75.....	5.7	6.1	6.5	3.7
\$75-\$149.....	28.7	29.1	26.6	27.0
\$150-\$225.....	45.4	41.9	41.1	41.9
Over \$225.....	20.2	22.9	25.8	27.4
Total.....	100.0	100.0	100.0	100.0

Since 1899 the proportion of male trade unionists whose quarterly earnings were under \$75 has fallen from 5.7 to 3.7 per cent and the proportion whose earnings exceeded \$225 has risen from 20.2 to 27.4 per cent. The increase in earnings may also be expressed in the form that the proportion of unionists whose quarterly earnings were less than \$150 has fallen from 34.4 per cent in 1899, 35.2 per cent in 1900 and 33.1 per cent in 1901 to 30.7 per cent in 1902, while the proportion whose quarterly earnings exceeded \$150 has accordingly increased from 65.6 per cent in 1899, 64.8 per cent in 1900, 66.9 per cent in 1901, to 69.3 per cent in 1902.

A more convenient although less exact method of comparison is to compute the average earnings. Thus the aggregate earnings of the 239,492 men who had any employment in the first quarter of the present year were \$44,098,738, which is an average of \$184.13 each. This is somewhat larger than the average in preceding years:

TABLE 12.
AVERAGE EARNINGS OF TRADE UNIONISTS OF EACH SEX IN THE FIRST QUARTER.

	Male.	Female.
1897.....	\$155	\$98
1898.....	164	75
1899.....	172	96
1900.....	176	107
1901.....	183	105
1902.....	184	145

The unsafe character of such averages as these to express changes in economic condition of wage earners is well illustrated in the high average for women in 1902. Apparently each woman made \$40 more than in the first quarter of 1901, whereas Table 13 shows that the only trade in which there was an increase of more than \$31 was in the furniture industry where only 25 unionists were concerned. The primary cause of the increase was simply the growth of unions in the highly remunerated theatrical trades. A year ago these unions contained only 461 female members, whose earnings averaged \$467; in the recent quarter they contained 1,554 female members,

whose earnings averaged \$461. But while the average earnings in this particular trade thus declined, the great addition to the number of highly paid workers had the effect of increasing the average for women in general.

But the female members of labor unions constitute but a small proportion of their total membership, and in dealing with the vastly larger number of male unionists, the general average of earnings is not so likely to be affected by the shifting of the weight of membership from one group of trades to another, although that risk is always present. Even in the case of the individual industries or combination of trades, such changes in membership sometimes affect average earnings; thus in Table 13 it appears that the average quarterly earnings of seamen, pilots, etc., declined from \$300 in 1900 and 1901 to \$138.75 in 1902, a change due solely to the fact that 900 seamen have been added to the 300 or 400 pilots who have hitherto reported earnings. The pilots still receive \$300 a quarter, but the seamen made less than \$100 and thus brought down the average. Save for instances of this kind, most of the gains or losses shown in Table 13 are due to greater or less duration of employment, as the case may be, although some few changes in wage rates, made since the last previous report, have resulted in larger earnings.

TABLE 13.

TRADES.	AVERAGE QUARTERLY EARNINGS.				Increase(+) or decrease(-) 1901-2.
	1899.	1900.	1901.	1902.	
	Men.				
1. Building, Stone Working, Etc.:					
Stone working	\$180 82	\$175 09	\$217 26	\$212 82	34 44—
Brick and cement making	71 22	77 30	49 09	49 71	62+
Building and paving trades	168 13	178 15	185 36	183 83	2 03—
Building and street labor	98 06	142 20	123 72	162 51	38 79+
2. Clothing and Textiles:					
Garments	138 17	136 31	120 12	139 64	19 52+
Hats, caps and furs	168 88	141 89	139 35	156 14	16 79+
Boots, shoes, gloves, etc.	160 49	153 02	138 84	129 77	9 07—
Shirts, waists and laundry	193 97	215 12	166 66	170 72	4 06+
Textiles	106 49	124 03	119 88	137 91	18 03+
3. Metals, Machinery and Shipbuilding:					
Iron and steel	185 14	176 01	182 51	195 78	13 27+
Other metals	173 38	203 55	208 90	193 78	15 12—
Engineers and firemen	223 82	213 74	237 14	222 03	15 11—
Shipbuilding	226 10	204 25	212 18	221 95	9 82+
4. Transportation:					
Railroads	216 10	216 18	206 78	208 03	1 25+
Street railways	117 44	127 29	153 19	117 33	34 86—
Coach drivers, etc.	155 13	149 98	151 57	152 14	57+
Seamen, pilots, etc. ....	.....	300 00	300 00	188 75	161 25—
Freight handlers, etc.	107 19	116 10	140 33	133 02	7 31—

TABLE 12—(Continued).

TRADES.	AVERAGE QUARTERLY EARNINGS.				Increase(+) or decrease(—) 1901-2.
	1899.	1900.	1901.	1902.	
<i>Men.</i>					
5. Printing, Binding, etc.....	218 65	210 48	225 93	226 34	41+
6. Tobacco.....	127 93	132 04	135 40	135 33	07—
7. Food and liquors:					
Food preparation.....	146 50	148 98	156 47	166 93	10 46+
Malt liquors, etc.....	171 74	185 76	183 87	190 62	6 75+
8. Theaters and Music.....	236 00	321 07	338 63	347 40	8 77+
9. Wood Working, Furniture.....	165 60	165 86	179 75	188 02	8 27+
10. Restaurants, Retail Trade:					
Hotels and restaurants.....	136 52	141 32	134 26	150 47	16 21+
Retail trade.....			146 05	154 43	8 38+
11. Public Employment.....	226 92	203 52	202 99	208 36	5 37+
12. Miscellaneous:					
Glass.....	223 32	254 05	330 56	349 33	18 77+
Barbering.....	133 36	133 37	128 40	133 42	10 02—
Other distinct trades.....	178 24	142 43	151 92	150 27	1 65—
Mixed employment.....	104 89	100 22	94 46	104 50	10 04+
<i>Women.</i>					
2. Clothing and Textiles:					
Garments.....	74 62	65 99	74 91	82 33	27 42+
Hats, caps and furs.....	45 00	52 00	95 83	118 27	22 54+
Boots, shoes, gloves, etc.....	82 21	35 02	72 74	80 90	8 16+
Shirts, waists and laundry.....	62 39	117 81	91 73	122 31	30 58+
Textiles.....	106 83	106 82	82 75	107 14	24 39+
3. Metals, Machinery and Shipbuilding:					
Iron and steel.....	40 00	.....	.....	130 60	.....
Other metals.....	.....	.....	152 00	.....	.....
4. Transportation:					
Railroads.....	.....	120 00	120 00	150 00	30 00+
5. Printing, Binding, etc.....	100 61	105 84	91 47	109 22	17 75+
6. Tobacco.....	98 01	118 09	104 51	132 09	27 58+
8. Theaters and Music.....	326 27	492 90	466 91	461 08	5 33—
9. Wood Working, Furniture.....	.....	49 53	41 06	101 33	60 27+
10. Restaurants, Retail Trade.....					
Hotels and restaurants.....	81 71	92 60	78 60	.....	.....
Retail trade.....			88 60	73 79	14 81—
11. Public Employment.....	.....	.....	152 56	144 17	8 33—
12. Miscellaneous.....					
Other distinct trades.....	65 00	58 94	.....	.....	.....
Mixed employment.....	117 00	.....	.....	.....	.....

STATISTICS OF BUILDING OPERATIONS.

I. New York City.

Returns from the bureaus of buildings in the five boroughs show that during the first quarter of 1902, compared with the similar period of 1901, there was a marked diminution in the number of permits issued for new buildings, as well as a decline of \$11,099,337 in the amount of money involved in the enterprises. There were likewise more structures commenced and completed last year than there were this year.

While there was a falling off for 1902 in the number of remodeled buildings for which plans were approved an increase of \$1,461,752 in the value of the proposed improvements was reported, but the number that was begun and finished was smaller in 1902 than it was last year.

NEW AND REMODELED BUILDINGS FOR WHICH PLANS WERE APPROVED, THEIR ESTIMATED COST, AND THE NUMBER COMMENCED AND COMPLETED DURING JANUARY, FEBRUARY AND MARCH, 1901 AND 1902.

MONTH.	NUMBER OF BUILDINGS.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS.			
					COMMENCED.		COMPLETED.	
	1901.	1902.	1901.	1902.	1901.	1902.	1901.	1902.
<i>I. New Buildings.</i>								
January	494	467	\$6,902,567	\$5,501,455	397	317	551	507
February	547	352	13,540,890	8,772,662	855	163	286	226
March	848	642	15,487,228	10,557,231	672	619	425	416
Total	1,889	1,461	\$35,930,685	\$24,831,348	1,424	1,099	1,212	1,149
<i>II. Alterations.</i>								
January	345	310	\$490,772	\$687,671	314	270	511	281
February	384	354	921,852	958,642	318	250	192	242
March	670	528	985,776	1,918,839	539	480	871	354
Total	1,399	1,190	\$2,098,400	\$3,560,152	1,166	1,000	1,074	877
<i>III. Total of New Buildings and Alterations.</i>								
January	839	777	\$7,393,339	\$6,189,126	711	587	1,062	788
February	931	706	14,162,742	9,726,304	668	413	422	468
March	1,513	1,168	16,473,004	12,476,070	1,211	1,099	796	770
Total	3,283	2,651	\$38,029,085	\$28,391,500	2,590	2,099	2,286	2,026

II. Buffalo, Rochester and Syracuse.

Buffalo.—Statistics furnished by Henry Rumrill, Jr., deputy building commissioner of the Buffalo Public Works Department, show that the number of building permits issued in Buffalo in the first three months of 1902 was considerably larger than usual. But the buildings were evidently on a smaller scale, since their total

estimated cost was less than in some of the preceding years. Last year, however, the estimated cost of projected buildings was swelled by the numerous alterations undertaken just before the Pan-American Exposition. As the following table shows, the present quarter indicates greater activity in the building trades in Buffalo than in the corresponding period of 1899 and 1900:

1902.	NUMBER OF PERMITS.			ESTIMATED COST.		
	New.	Alterations.	Total.	New.	Alterations.	Total.
January	76	24	100	\$186,958	\$98,585	\$225,538
February	109	51	160	208,365	42,715	246,080
March	99	66	165	330,685	42,161	372,796
Total, 3 months	284	141	425	\$720,958	\$123,461	\$844,414
1901, total, 3 months	182	112	294	735,795	350,975	1,086,770
1900, total, 3 months	115	104	219	585,530	109,343	694,873
1899, total, 3 months	169	120	289	319,498	111,832	431,330

Rochester.—In Rochester the building operations in 1901 were not stimulated by such an event as the Pan-American Exposition and hence were not abnormal. The consequence is a steady and constant increase in the first quarter of each of the last four years, both in the number of permits issued and in the estimated cost of the buildings authorized by the city fire marshal to be erected or remodeled, thus:

1902.	NUMBER OF PERMITS.			ESTIMATED COST.		
	New.	Alterations.	Total.	New.	Alterations.	Total.
January	19	8	27	\$55,365	\$9,850	\$65,215
February	17	7	24	33,150	9,130	42,280
March	76	21	97	216,059	3,188	219,245
Total, 3 months	112	36	148	\$304,574	\$22,166	\$326,740
1901, total, 3 months	89	53	142	185,450	78,704	264,154
1900, total, 3 months	81	29	110	204,550	16,425	220,975
1899, total, 3 months	66	31	97	135,035	43,165	178,200

Syracuse.—The estimated aggregate expense involved in projected building operations in the first quarter of 1902 was somewhat above the average, a fact due to extensive alterations, as the cost of new buildings authorized was considerably below the average of the last four years. The comparison with 1899, 1900 and 1901 is as follows:

1902.	NUMBER OF PERMITS.			ESTIMATED COST.		
	New.	Additions and alterations.	Total.	New.	Additions and alterations.	Total.
January	17	18	35	\$89,300	\$28,375	\$117,575
February	22	6	28	43,180	1,910	45,090
March	26	27	53	50,125	80,150	130,275
Total 3 months	65	51	116	\$182,505	\$110,435	\$292,940
1901, total 3 months	66	54	120	206,757	28,010	234,767
1900, total 3 months	94	46	140	182,747	34,964	217,711
1899, total 3 months .....	.....	.....	.....	287,000	23,707	310,707

IMMIGRATION AT THE PORT OF NEW YORK.

During the first quarter of this year immigration was surprisingly large, the new settlers numbering 104,937, which not only greatly surpassed the arrivals for either of the two preceding quarters—the third and fourth of 1901—when the figures were, respectively, 83,265 and 73,503, but was greatly in excess of the number recorded in the corresponding term of winter months in any other twelvemonth for the past seven years, as noted in the following table, which shows the number of immigrants who landed in that quarterly period of each year and the increase in 1902 over the years mentioned :

FIRST QUARTER OF—	Arrivals.	INCREASE IN 1902.	
		Number.	Per cent.
1895.....	28,108	76,829	273.3
1896.....	47,001	57,836	120.5
1897.....	28,851	76,086	268.7
1898.....	37,966	66,971	176.4
1899.....	44,198	60,744	137.5
1900.....	69,498	35,439	51.0
1901.....	69,783	35,154	50.4
1902.....	104,937	.....	.....

Southern Italy continued to supply a more numerous mass of newcomers than any other section of the Old World—29,642 (28 per cent of the entire immigration) of that race having landed from January 1st to March 31st this year. The Polish contingent was second numerically, with a total of 13,544, or 13 per cent, and the Hebrew element was third, with 8,875, or 8 per cent.

Considering in the analysis those races whose immigration was at least 1,500, it is seen that the Lithuanians had the highest proportion of increase as compared with the first quarter of 1901, 871 in number and 84.7 per cent, while the gains made by the other races were :

RACE.	INCREASE.	
	Number.	Per cent.
Magyar	3,007	84.5
Polish	6,004	79.6
German	3,380	75.6
Greek	683	74.2
Italian (South).....	11,146	60.3
Hebrew	3,021	51.6
Italian (North).....	1,822	37.1
Scandinavian.....	1,357	34.4
Ruthenian	366	23.2
Croatian.....	705	18.2
Slovak	580	7.6

For 1902 the proportion of male immigrants was slightly in advance of that for 1901. In the former year they numbered 84,363, or 80 per cent, while in the latter there were 54,189, or 78 per cent. The females aggregated, respectively, 20,574, or 20 per cent, and 15,594, or 22 per cent. The most noticeable disparity in the proportion of the sexes for the quarter ended in March, 1902, was among the Greeks, 1,591, or 99.2 per cent, being males and 13, or 0.8 per cent, females. The smallest difference was in the Hebrew immigration; 5,479 males (61.7 per cent) and 3,396 females (38.3 per cent). These proportions were recorded for the other leading races.

RACE.	PER CENT.	
	Male.	Female.
Croatian	89.6	10.4
Italian (North)	86.6	13.4
Italian (South)	86.5	13.5
Magyar	85.2	14.8
Ruthenian	81.2	18.8
Lithuanian	80.8	19.2
Scandinavian	80.8	19.7
Slovak	79.2	20.8
Polish	78.6	21.4
German	71.8	28.2

Of the 104,937 people who debarked during the first quarter of this year 8,535, or 8.1 per cent, were children under the age of 14 years. There were 91,137 (86.9 per cent) whose ages ranged from 14 to 45 years, and 5,265 (5 per cent) who were over 45 years. Twenty-eight and seven-tenths per cent (27,708) of those in the two latter classes could neither read nor write, and 660 (0.7 per cent) could read, but could not write. The largest proportion of the arrivals who were wholly illiterate, including only the races that were credited with at least 500 in the immigration, was found among the Portuguese—74.9 per cent of whom were incapable of either reading or writing in any language. The Scandinavians had the smallest proportion—0.3 per cent. Among the other races the proportions were:

RACE.	Percentage of illiteracy.
Lithuanian	58.5
Ruthenian	49.5
Italian (South)	42.3
Polish	39.1
Croatian	38.3
Greek	35.1
Slovak	25.1
Hebrew	24.2
Italian (North)	15.1
Magyar	14.5

Dutch.....	7.5
French	6.3
German	6.3
Irish	4.3
English.....	1.7
Finnish	0.6

In the first three months of 1902 35,797 (34.1 per cent) of the aliens who landed gave New York State as their place of future residence and 26,890 (25.6 per cent) went to Pennsylvania. The percentages of those who were destined to some of the other States were:

STATE.	Per cent.
Illinois.....	7.4
New Jersey.....	6.1
Massachusetts	5.3
Ohio.....	4.4
Connecticut	2.8
California	1.7
Michigan	1.6
Minnesota	1.3
Wisconsin	1.0
Colorado	0.7
West Virginia	0.6
Missouri	0.5
Texas.....	0.2

AVOWED DESTINATION OF IMMIGRANTS WHO LANDED AT THE PORT OF NEW YORK DURING THE QUARTER ENDED MARCH 31, 1902.

Alabama.....	66	Montana.....	152
Alaska	4	Nebraska.....	351
Arizona.....	37	Nevada.....	249
Arkansas	33	New Hampshire.....	110
California.....	1,851	New Jersey.....	6,445
Colorado	775	New Mexico.....	33
Connecticut.....	2,932	New York.....	35,797
Delaware.....	138	North Carolina.....	5
District of Columbia.....	41	North Dakota.....	619
Florida	30	Ohio.....	4,640
Georgia	19	Oklahoma.....	71
Hawaii	2	Oregon.....	190
Idaho	51	Pennsylvania.....	26,890
Illinois.....	7,737	Porto Rico.....	2
Indiana.....	511	Rhode Island.....	817
Indian Territory.....	40	South Carolina.....	97
Iowa.....	1,020	South Dakota.....	274
Kansas	316	Tennessee.....	41
Kentucky.....	20	Texas.....	231
Louisiana.....	157	Utah.....	102
Maine	149	Vermont	210
Maryland	198	Virginia	65
Massachusetts.....	5,610	Washington.....	478
Michigan	1,655	West Virginia.....	624
Minnesota	1,313	Wisconsin.....	1,059
Mississippi.....	6	Wyoming.....	107
Missouri.....	566		
		Total	104,937

NEW YORK STATE FREE EMPLOYMENT BUREAU.

Report of Superintendent.

The winter quarter for 1902, ending March 31st, shows a steady and healthy growth of the Bureau's work and demonstrates the fact that in proportion as it becomes known to the general public the sphere of the Bureau's usefulness increases. Our method of investigating references is one of the best systems of advertising our work among employers. It gives them to understand that emotionalism has no place in our work ; but, on the contrary, that business method obtains.

During the quarter employees report the employment secured was entirely satisfactory, both as to wages and social conditions, and not one report was made of non-payment of wages ; while on the other hand, employers have indicated their satisfaction with the employees secured at this office. The table which follows clearly indicates that at no time during the quarter were we able to fill all orders received. We had 1,467 applicants for employment, 953 applicants for help, and filled 803 situations, leaving 150 situations unfilled. Of the 150 situations unfilled fully 100 were for women to do general housework and the remaining 50 were for hotel cleaners. During the quarter we had 263 more applicants for help than the corresponding quarter for 1901 and 126 more than for the same quarter in 1900. The situations secured were 237 more than in 1901 and 173 more than the corresponding quarter for 1900. The percentage of applicants for whom work was secured was 54 this year as compared with 42 per cent in the first three months of 1901.

The following table shows the work of the Bureau during the quarters ending March 31, 1901 and 1902 :

YEAR.	Applicants for work.	Applicants for help.	Situations secured.
1901.....	1,331	690	566
1902.....	1,467	953	803
Percentage of applicants securing employment in 1901.....			42
Percentage of applicants securing employment in 1902.....			54

Respectfully,

JOHN J. BEALIN,
Superintendent.

INDUSTRIAL DISPUTES.

The Bureau of Mediation and Arbitration recorded 18 fresh disputes in January, February and March, details concerning which are given in Table VIII of the Appendix of this issue. In the aggregate they involved 71 firms and 1,589 employees, besides 359 other employees thrown out of employment. The total number of working days lost by the 1,948 employees was 54,595.

The subject of dispute was usually a question of wages; 7 of the 18 disputes having turned on the subject of an increase in wages and 4 on a proposed decrease, 3 pertained to shorter hours, 3 to the recognition of the union and 1 to shop rules or arrangements.

The result of the disputes was generally in favor of the employers, who were successful in 9 disputes, while the employees won 4, obtained a partial victory in the case of 2 and compromised 1. The issue of the remaining 2 disputes is still in doubt.

In addition to the disputes which began in the first quarter of the present year, there were 4 disputes which terminated in the quarter but were begun last year. In these disputes 200 workmen were directly and 385 indirectly involved, the total number of working days lost by the 584 employees having been 29,830.

The largest number of workmen affected by any one dispute in the first quarter of 1902 was in the stone masons' strike in New York City, March 1-24, for an advance in wages from \$3 and \$3.50 to \$4. But the total number of days lost in this dispute was only 9,000, whereas the 295 telephone linemen of New York City who went on strike February 27th for the eight-hour day and higher wages lost, perhaps, 23,000 days, and the duration of a dispute in a metropolitan shoe factory, measured in days lost, was about 22,000.

A few of these disputes were adjusted by members of the State Board of Mediation and Arbitration, whose services, however, have been in greater demand since the first quarter. Since the publication of the March BULLETIN the Board has dealt with 22 industrial disputes and materially contributed to the settlement of 10 of these. In 10 cases their services were either declined by both sides at the outset or by one side to whom the Board brought propositions from the opposing side, and in 2 cases the Board succeeded in restoring the severed relations between capital and labor, bringing them

together in conference, which, however, failed to effect a settlement. Among the larger strikes in the settlement of which the Board aided were those in six New York tin can factories (2,000 employees), Port Chester Foundry (225 employees), Glens Falls Lime and Cement Works (200 employees), Niagara Falls building trades (800 employees), Ballston Bag and Paper Works and Buffalo Shoe Factory (25 employees on strike and 175 thrown out of work). Deputy Commissioner Lundrigan also contributed to the settlement of a dispute which threatened to involve a strike among 1,000 workers in the various New York mills of the International Paper Company. Disputes of a more or less serious nature are still in existence or process of adjustment, among which are the following: At Rochester, in the wood working and structural iron industries; at Schenectady, in the building industry (laborers); and at Yonkers, in the hat making industry.

In the following articles, the disputes dealt with by the Board since the last previous report are described.

Albany Carriage Workers.

All of the journeymen carriage workers who are members of local No. 59, Carriage Workers' Union, about 50 in number, went on strike March 4, owing to the refusal of the employers to sign a new agreement. The employers all belong to an association known as the Carriage Builders' Association of Albany, and while several of them had entered into and signed an agreement last year, this year all refused to renew or enter into a new agreement. Several conferences were held between the representatives of the employers' association and Messrs. Stark and Lundrigan of the Labor Department and also with the representatives of the carriage workers' union. Finally a special conference was arranged for and held at the office of the Labor Commissioner March 11. It developed that neither party would recede from its position—the representatives of the employees insisted on recognition of the union and the employers refusing. This condition of affairs existed for some time; finally the major portion of the men returned to work about April 4th under the conditions which prevailed before the strike, except that no formal agreement was entered into. Our understanding at the present time is that while practically all of the union men have returned to work, the union has refused to formally declare the strike off.

Albany Foundry Laborers.

On April 29th a strike occurred among the laborers employed in the foundry of Rathbone, Sard & Company, Albany, for an advance of wages, the demand made being for an advance of 25 cents per day. Mr. B. Stark called at the office of the foundry and had an interview with the general manager, who was willing to compromise the dispute. On May 7th a conference was held by a committee of Laborers' union; Mr. John Seeman, president of the Central Federation of Labor, and the officers of the company. An advance of 10 per cent was granted and the men resumed work.

On May 1st a strike occurred among the laborers at the Thacher Car Wheel Works for an increase of wages from \$1.50 to \$1.75. Mr. B. Stark of the State Board of Arbitration visited the foundry and had an interview with the superintendent, who claimed that the wages paid by the company to the laborers in their employ were the highest paid for work of this kind and they would not accede to the demand made. The men engaged in this strike were members of Foundry Laborers' Union No. 1. After remaining out for several days they all returned to work at the old scale of prices.

Ballston Paper Mill Workers.

On May 26, 1902, the men employed by the Union Bag and Paper Company, Ballston, made a demand for an increase of wages. They were receiving \$1.25 a day and asked for an increase to \$1.50 a day. The demands were refused, whereupon all employees left. The men are members of Laborers' Protective Union No. 9576. Bernard Stark, State Mediator, visited Ballston on May 27 and had a conference with a committee of the union and also with the officers of the company. A meeting was arranged during the afternoon and a compromise proposition offered, giving the men an advance of 15 cents a day. This offer was accepted by the committee and ratified by the members of the union. The men returned to work May 28.

Buffalo Bookbinders.

Ten union bookbinders employed by the Courier Printing Company went on strike March 26 against working with nonunion bookbinders and for the establishment of the union scale of wages. On April 2d ten pressmen struck in sympathy with the bookbinders, seriously interfering with the operation of the entire plant. Deputy Commissioner Lundrigan communicated by telephone with

the president of the company, who was absent from town and who returned on April 4th and at once held a conference with the representatives of the strikers. The matter was immediately settled by conceding the demands of the men, both as to the non-union men and the establishment of the union rate of wages.

Buffalo Building Trades.

May 1st the unions of structural iron workers, carpenters and plumbers went on strike for an increase in the minimum rate of wages. The plumbers asked for an increase from \$3 to \$3.50 per day for eight hours; the structural iron workers asked for an increase from \$0.35 to \$0.45 cents per hour; the carpenters an increase from \$0.30 to \$0.37½ cents per hour. Deputy Commissioner Lundrigan, who was in Buffalo at the time this strike was inaugurated, tendered the services of the Board of Mediation and Arbitration to the representatives of both employers and employees and was advised that at that time such services were not required and should occasion arise that it would be advised thereof. The employers, who are mostly members of the Builders' Exchange, had agreed before the actual occurrence of the strike to pay the carpenters the minimum rate of 32½ cents per hour, which was rejected by the union. The structural iron workers' strike was settled May 17th at a meeting of the representatives of the employees and the general officers of the American Bridge Company at New York. By the terms of the settlement the workmen's demands were granted. The carpenters' strike terminated June 8 by the men accepting the minimum rate of 33 cents per hour. The plumbers' strike is still in existence, so far as we are able to learn, and the chances of settlement are as limited as in the beginning. According to the best information we have been able to secure the original number of men involved in this strike was about 2,000, divided as follows: Carpenters, 1,200; plumbers, 500; and iron workers, 200. The duration of the strike was 39 days.

Buffalo Sheet Metal Workers.

The Buffalo sheet metal workers, 24 in number, employed by the United States Headlight Company went on strike February 4, caused by employers instituting a new method—a scale of prices for piecework—which the employees claimed meant a reduction in wages. After the men quit work they prepared and presented a counter proposition, providing for daywork instead of piecework and for

the minimum rate of \$2.50 for nine hours. Deputy Commissioner Lundrigan, in conference with the representatives of both parties to the strike, succeeded in arranging for a conference between the general manager, Mr. Teale, of the headlight company, and a committee representing the strikers. The meeting was held on February 14th and resulted in a failure to adjust the differences, owing to the insistence of Mr. Teale that several of the men who went on strike would not be re-employed under any circumstances. No definite settlement of the strike has been made since. Work was resumed by the men gradually returning to work and new men being employed, so that the plant was reported as running practically full-handed by February 25th. The employers, however, decided to dispense with the objectionable feature of the piecework system, and it is reported to us that the system of daywork now prevails in this plant.

Buffalo Shoemakers.

About 25 shoemakers employed at the Strootman shops went on strike February 14th on account of reduction in the scale of prices for piecework, resulting in temporarily throwing out of employment about 175 of their employees. Deputy Commissioner Lundrigan conferred with both parties to this difficulty, with the result that on February 15th a conference took place in which the difficulty was adjusted by the employers re-establishing the scale of prices prevailing previous to the strike. All of the employees affected returned to work on the 17th.

Glens Falls Cement Workers.

On May 21st Bernard Stark, State Mediator, visited Glens Falls on the invitation of the Glens Falls Portland Cement Company. Mr. Stark met the officers of the company and conferred with them in reference to the situation between the company and their employees, who are members of Laborers' Protective Union No. 8962; a conference was also had with a committee representing the union, and a meeting was arranged on May 22 between the company and the union; the session lasting several hours, when an agreement was reached by which an increase of $12\frac{1}{2}$ cents a day in wages was to be paid to all laborers and the quarrymen are to receive an advance of $2\frac{1}{2}$ cents per hour; no employee shall be discriminated against for any action he may have taken during the strike; all future disputes shall be settled by arbitration, each to select two and the four to select the fifth, their decision to be final. The men returned to work the following day.

On May 15th upward of 300 employees of Finch, Pruyn & Co., including teamsters, mill workers, river men, quarrymen, lime burners and laborers, went on strike for an increase in wages and recognition of the union, together with a shorter workday. Several attempts have been made at a settlement, including an attempt by State Mediator of Industrial Disputes Mr. B. Stark on May 21st, at which the services of the Board of Mediation and Arbitration were tendered, but with no satisfactory results. The company made an attempt to import non-union labor, which resulted in considerable rioting and disorder, and thus made necessary the closing down of the entire plant and calling in the aid of the sheriff of Warren county. On June 16 Deputy Commissioner Lundrigan, who was at Glens Falls in connection with the International Paper Company's strike, undertook a settlement of this difficulty, and after several conferences with the representatives of both employer and employees succeeded in arranging for a conference, at which, in addition to the regular strike committee, the employees of the different departments of the several plants operated by this company were represented, together with the managing members of the corporation, and Mr. Lundrigan was also present. This conference resulted in a full and satisfactory settlement of the difficulty. The terms of the settlement involved recognition of the union and an average increase of wages of about 20 cents per day to all of the employees, together with a reduction of the work day from 11 to 10 hours; it being agreed that when the conditions are such as to make it necessary to work extra time the men affected shall work the regular 10-hour day and be given one hour for supper, when they are to return to work and work not to exceed one-half day overtime in each week. The understanding is that this arrangement is such that all overtime is to be, as nearly as conditions will allow, divided between two nights of each week, not including Saturday nights. This settlement is in the form of a regularly executed and signed instrument, to be binding on both parties for one year from date.

Glens Falls Paper Makers.

On Friday, June 13, practically all of the employees of the International Paper Company employed in the mills at Glens Falls, Fort Edward and Palmers Lake went on strike, claiming failure by employers to keep the agreement made at the Niagara Falls convention relating to suspension of work on Saturday night and increase in wages. On Saturday, June 14, General Manager Parks

came from New York and met with the general committee representing the mills affected. The committees had practically completed the conference when Deputy Commissioner Lundrigan reached Glens Falls, the result being an agreement on practically the lines given below :

“ While neither side is willing to make the agreement public, it is understood that the men receive a substantial increase in their wages, averaging more than four per cent. The tour workers, finishers and car loaders are to receive sixteen and one-half cents an hour ; teamsters \$1.65 a day of eleven hours ; night watchmen, two dollars a night ; firemen, seventeen cents an hour, and those now earning seventeen cents an hour or more are to receive two cents an hour additional ; pipers, seventeen and one-half cents an hour. The wages of all men receiving fifteen to twenty cents an hour are to be increased two cents an hour, and less than fifteen cents an hour an increase of that amount. All Sunday work, when mills are running, is to be paid for as double time. Ten hours constitute a day's work and on Saturday dayworkers are to work nine hours and will receive ten hours' pay. There are three holidays, July 4, Labor Day and Christmas. The new scale goes into force this morning and continues for one year.”

The understanding was that the men were to resume work Monday morning. It developed, however, that certain employees, including the millwrights, carpenters and machinists, were not satisfied with the disposition made of the overtime allowance for Sunday and the men affected failed to resume work. A conference was held between the committee representing the dissatisfied element and Manager Sparks on Monday forenoon and again in the afternoon. During the interval Mr. Lundrigan conferred with the interested parties in an advisory capacity. The result of the conference was a compromise settlement by which the week-day rate of the men interested was increased sufficiently to offset the differences between the Sunday overtime rate of time and one-half which was granted and that of double time for which the men contended. The number of employees directly concerned in this strike was about 1,000, although a much greater number are benefited by the terms of settlement, which are understood to include all of the paper plants operated by the International Paper Company in this territory. The advantage obtained by the employees is a recognition of their organization and an average increase of about five per cent in wages.

Hornellsville Silk Weavers.

On March 26th 34 silk weavers employed by Merrill, Field & Co. went on strike on account of being required to operate three looms instead of two. The strike was investigated by Deputy Commissioner Lundrigan on the 28th. The employers claimed that as the weavers worked by the hour, the question of the number of looms operated made no difference, and on account of the character of the cloth to be woven under the new system the operation of three looms required no more actual work than was before required to operate two. The claim was made by the employers that the whole trouble was originated by nine of the former employees whom they had imported from Paterson, N. J. The employees were not organized and the question of the recognition of the labor organization did not enter into the difficulty. The employers absolutely refused to re-employ any of the nine weavers referred to. The strike was virtually terminated by all of the employees returning to work under the new conditions, except the nine imported from Paterson, who left town upon the settlement of the difficulty.

Little Falls Latch Needle Knitters.

On the 21st of April the latch needle knitters in the several textile mills went on strike for an increase of wages from \$1.25 to \$1.37½ per day. Deputy Commissioner Lundrigan investigated this trouble and in connection therewith tendered the services of the State Board of Mediation and Arbitration. On investigation he learned that the above demands had been submitted to the employers eight weeks previously and had resulted in the strike on the above date. While only about 80 employees are directly involved, indirectly the strike resulted in practically stopping the production in the mills, as most of the work was passed through the hands of their department. Conferences were held with the representatives of both employers and employees and Mr. Lundrigan found a disposition among the employers, who had formed either a permanent or temporary association among themselves, against meeting with the representatives of the men, especially as representing the union. After several attempts and the securing of a counter proposition, which was rejected by the employees and finally another proposition from the employees, which was again rejected by the employers, Mr. Lundrigan's efforts ceased. The strike was settled May 5th by a conference at which an agreement was entered into with the strikers that they would return to work

and undertake to work under the piece system, giving four weeks' trial with the understanding that should they fail to earn an equivalent to the advance in wages asked under this system that the increase would be granted.

New York City Bookbinders.

On January 15th a notice was posted in the ten extra bookbinding establishments of the metropolitan district that on and after the above date the bookbinders' union would not be recognized in such shops. Practically all of the employees were members of Bookbinders' Local No. 77 and, owing to the posting of the said notice, all quit work. January 30th the Department became aware of the trouble through the medium of a letter from the secretary of Local Union No. 77. On February 2d Deputy Commissioner Lundrigan and Industrial Mediator Stark began an investigation and found that the employers were members of an organization known as the Manhattan Association. In an interview with A. Beverly Smith, manager of the Manhattan Association, at which Mr. Brassel, president of such association, was present, it developed that the employers claimed the object in posting the notice which caused the strike was not, so far as their intention was concerned, for the purpose of discriminating against the union, but for the purpose of providing for the adjustment of all differences that might arise between employers and employees through the medium of the Manhattan Association, instead of in the local shops and with the local owner or employer. This at least was the version given by Mr. Smith. Later, on the same date, Deputy Commissioner Lundrigan and Mr. George A. Stevens, statistician of the New York suboffice, had an interview with the committee of Local No. 77, at which Mr. James S. Costello, business agent for a portion of the union bookbinders of Greater New York, was present. The differences existing in the extra bookbinding industry were discussed in an informal manner and the representatives of the employees claimed that no grievance existed so far as the employees were concerned except the posting of the notice before referred to, which they interpreted to mean the refusal of the employers to recognize the existence of their organization; that they were ready and willing to resume work upon the removal of the notices; and, if it was the desire of the Manhattan Association of the bookbinding employers to enter into negotiations for the purpose of establishing another method of handling the questions relating to the terms and conditions of

employment, they would be ready and willing to become a party to such negotiations. The result of this interview was communicated to the employers by this Department through Manager Smith and apparently was unfavorably received by them. On April 21st Deputy Commissioner Lundrigan had another conference with the representatives of both employers and employees, with the object of trying to arrange for a further conference, the strike being still in existence. The employees' committee stated that they were ready and willing to meet a committee of the employers for the purpose of discussing the differences. The employers, however, decided that inasmuch as, according to their statement, they were running practically full-handed, that there was no occasion for re-opening negotiations and while they did not formally refuse to meet a committee of the employees they virtually did so by failing to take action on their proposition that they should do so. According to the information we have at the present time the strike has been partially settled by three of the shops concerned in the strike considering the request of the men and resuming the same relations with the union which existed previous to the strike. The other seven shops affected, while claiming to make no discrimination against union men, are reported to be running as open shops. The settlement in the three shops referred to was effected on April 1st.

New York City Silk Workers.

The employees of the Brooklyn Silk Mills, located at Ridgewood, L. I., left their work on March 27th owing to a reduction of 10 per cent in wages. The mill was in charge of Mr. Wm. H. Nauman, who acted as superintendent for the owners, who are Philadelphia parties. An effort was made to employ non-union help. This created a bitter feeling and a non-union man named Michael F. Larkinson, an Armenian, shot John Weber, one of the employees, on April 21st and he died the same night. The union weavers at this mill are all Germans. On May 7th Bernard Stark, State Mediator, visited Ridgewood and had a meeting with the members of the union and also with Mr. Wm. H. Nauman. Mr. Stark arranged a satisfactory settlement regarding the scale of wages; the company agreeing to pay the same rate of wages as is paid by other silk mills making similar goods. This appeared to satisfy the members of the union and it was understood that they would return to work the following Monday. It seems, however, that after Mr. Stark's departure a question came up at a meeting of the union

and that the men would not return to work unless the superintendent was discharged. After some delay this concession was granted.

New York City Can Makers.

On April 1st the employees of the American Can Company in the factory known as the Ginna Factory went on strike on account of the introduction of a "time check" or "cost check," to show the time consumed on each piece of work. On April 6th practically all of the employees employed in the six factories of this corporation in the metropolitan district went on strike for the same cause. The major portion of the employees concerned in this strike are members of the Amalgamated Sheet Metal Workers' Union, although many of the employees who went on strike, especially the former employees, were not members of any labor organization and were striking in sympathy with the other employees. Deputy Commissioner Lundrigan began investigation of this strike on April 9th, having a conference with the representatives of the strikers and also the officials of the American Can Company. The officials of the corporation were at first not inclined to make any concession or modification, or to in any way recognize the representatives of the employees, especially as representing the labor union. After several conferences a plan was devised whereby the strikers were persuaded to modify their demands for the abolishment of the time or cost slips, agreeing that they would allow the use of the slips in question in the workrooms of the factory on condition that the employees would not be required or obliged to handle said slips. After presenting this proposition to the general officers of the company, they decided that the matter was a local one pertaining to each individual factory and must be settled through the local managers of the several factories. On the 12th of the month a conference was arranged between separate committees appointed for that purpose from each factory and the local management of the separate factories, with the result that a satisfactory settlement was arrived at in all except the Ginna Factory, in which the trouble originated. The manager at this plant at first declined to accede; however, on the 14th the manager of this plant also agreed to the concession asked, and all of the employees of the six plants affected resumed work on the 15th. The number of employees engaged in this strike was about 2,000, of whom about 500 were females. The duration of the strike was 15 days in the Ginna plant, and of the general strike 10 days.

Niagara Falls Building Trades.

On April 1st all of the union employees engaged in the building trades, except the stone and brick masons, went on strike for the establishment of an eight-hour day and a general increase in wages which would average about 15 per cent. The strikers included carpenters, painters, paper hangers, plumbers, electrical workers, sheet metal workers and plasterers. Deputy Commissioner Lundrigan visited Niagara Falls April 2d for the purpose of investigating this strike and tendering the services of the Board of Mediation and Arbitration. Both parties were at that time unwilling to submit their differences to arbitration. It was found on investigation that practically all of the employees were members of their respective unions and that the employers were all organized into an association known as the Niagara Falls Building Association. Several conferences were held by Mr. Lundrigan with the representatives of both organizations and eventually he succeeded in having appointed a special committee to represent each trade to meet with a like committee of employers from the several trades. After several fruitless conferences and considerable bitter feeling and some misrepresentation, the matter was finally settled by a second series of conferences held on April 15 and 16. The terms of the settlement were along the lines of a general increase in wages, varying according to the different trades, averaging about 8 per cent, and the agreement to the nine-hour day until Labor Day of this year, and the establishment of the eight-hour day after Labor Day. The number of men involved in this strike was about 800 and the duration of the strike was about 45 days.

The Ogdensburg Longshoremen.

During the period of navigation last year a strike or lockout was instituted between the longshoremen and the Rutland Transit Company at Ogdensburg. Efforts were made by the Labor Department to bring about a settlement of these difficulties at that time; but it resulted in failure, owing to the attitude of the general manager, Mr. Clements, who insisted that none of the men who were parties to the strike should be re-employed by the Rutland Transit Company. About March 25th of this year request was received by the Department from representatives of the Longshoremen's Union of Ogdensburg to undertake to bring about a settlement of the difficulty, which was still in existence. This Department opened correspondence with the officials of the Rutland Transit

Company ; Mr. D. J. Keefe, president of the International Longshoremen's Union, and the officers of the local union at Ogdensburg, with the intent of securing an adjustment of the trouble. Our efforts so far have resulted in failure, owing to the officials of the Rutland Transit Company maintaining the position of declining to re-open negotiations.

Port Chester Iron Workers.

On April 30, 1902, 225 iron molders and core makers employed at Abendroth Brothers' Foundry, Port Chester, went on strike. The men engaged in the dispute are members of Union No. 216, Stamford, Conn. Mr. Bernard Stark, State Mediator of Industrial Disputes, visited the foundry and had an interview with Mr. W. A. Mills, vice-president of the company, who stated the position of the company in regard to the demands made by their employees. Mr. Stark met with a committee of the men at Lebanon, Conn., took the statement of the men in regard to the strike and received a copy of the demands made by the men April 30th :

" 1st. Recognition of the union.

" 2d. Price list on all jobs and the price book to be in the hands of the shop committee.

" 3d. Heater men to be paid for castings lost on account of bad cores.

" 4th. Pipe men 25 per cent advance and daywork when breaking in new men, pay to be \$2.50 per day; bench and stove plate 20 per cent advance."

On May 1st Abendroth Brothers sent reply to the demands of the men and Mr. Stark endeavored to arrange a meeting to compromise the matter. On May 12th a meeting was held in New York City, composed of five members of the molders' union and the officers of the company. The result of the meeting was that the men called a meeting and decided to return to work on Wednesday morning. The settlement was made on the following basis: An advance on soil pipe, a revision of the prices on stove plate, and an agreement to furnish a printed list of all the castings being made in the shop

In this connection Mr. Stark desires to add that most of the men engaged in this dispute, while working in this State, are residents of Connecticut and members of the Stamford, Conn., union. Nevertheless the committee of the union received Mr. Stark very courteously and were only too glad to confer with him as to the mode of settling the dispute.

Schenectady Electrical Workers.

On April 17th the buffers and polishers in the employ of the General Electric Company at Schenectady went on strike, owing to a reduction in the piece price adopted by the company. The screw machine operators went out in sympathy, making in all about 300 men. The buffers and polishers claimed the cut in wages was an unjust one. The company issued a statement in which they said they would not recede from their present position; the result of this being that on April 18th a general strike occurred among the various shops of the company, when the following number of employees left their work: Males, 7,416; females, 900; making a total on strike of 8,316. On April 18th Mr. John Lundrigan, Deputy State Labor Commissioner, visited Schenectady and had a conference with the officers of the company in reference to the strike, tendering the services of the State Board of Arbitration, if desired. On April 19th Mr. Bernard Stark, State Mediator of Industrial Disputes, visited Schenectady, had a meeting with the officers of the union and received a statement from Mr. W. H. Lamp, secretary, as to the difficulty between the men and the company. Subsequently Mr. Stark had an interview with some of the officers of the company. During this interview a committee representing the union visited the works and entered into a conference with Mr. G. E. Emmons, general manager, and other officials. The result of this conference was that the following notice was issued by the company:

"The difficulty with the employees of the company has been compromised on the following basis: All employees are to return to work Monday, April 21st, as if nothing had occurred, with a definite promise on the part of the management that the dispute over piecework prices in the Palenbourg department will be taken up and adjusted promptly on an equitable basis, and there is to be no discrimination against any of the employees."

In accordance with the notice all employees returned to work on Monday, April 21st.

Tonawanda Iron and Steel Workers.

Some of the ore handlers employed by the above corporation formed a union and on the following day several of them were dismissed, April 24th, by the superintendent, supposedly owing to their membership in the union. When the next shift of men went to work they were called together by the superintendent and given to understand that they should take their choice between leaving the services of their employer or refrain from joining the union. Practically all of the men in that particular department acknowl-

edged membership in the union and were told that their services were no longer required. Almost daily the following week men were alleged to have been dismissed owing to their membership in the union. Finally, all of the ore handlers quit. On May 2d a sympathetic strike started among the furnace men and coke handlers, with the result that it compelled the closing of one of the two furnaces on the 3d ult. and finally on the 4th ult. the closing down of the remaining furnace. About 400 men are involved in what the men term a lockout and the employers a strike. Practically the only question involved is the right of the men to join and belong to a labor union and the recognition of the union by the employer. Deputy Commissioner Lundrigan held conferences with committees representing the men and also the officials of the furnace company. He tendered the services of the Board of Mediation and Arbitration, which were declined by the employers, and at the request of the men submitted a proposition that they return to work and work the balance of the season under the same conditions as existed previous to the strike, the men agreeing not to engage in any sympathetic strike, but to have the privilege of forming and belonging to a union. This proposition was rejected by the company, who refused absolutely to employ men who were known to belong to a labor union. The men were not willing to return to work as individuals. The company, it is understood, succeeded, about June 1st, in starting up their plant with a reduced force of men partially imported from elsewhere and those who have either deserted or failed to become members of the local union. The actual result is a loss of the strike by the employees.

Troy Linemen and Laborers.

On May 24th the linemen employed in the construction of a new telephone in the city of Troy struck for an advance of wages and reduction of hours. The company refused to accede to the demands, when all the linemen left their work. On June 6th about 75 laborers employed by the company quit work in sympathy with the linemen. Bernard Stark, State Mediator of Industrial Disputes, visited Troy on June 9th and had a lengthy interview at Federation Hall with a committee of Union No. 137. Mr. Stark also called at the office of the company and had a conference with the officers in charge. The result of both interviews led to a meeting on June 10th between the company and a committee of the union and Mr. Stark, and an agreeable settlement was brought about through the latter's efforts.

AGREEMENTS.

Buffalo Brewery Employees.

Articles of agreement have been signed by all the brewers represented in the Brewers' Exchange of Buffalo and the officers of the local unions of the United Brewery Workmen, to be in force from March 1, 1902 to March 1, 1904. Separate contracts were made for the inside workmen, peddlers (drivers, helpers and stablemen) and engineers and firemen. The inside men's contract is as follows :

Section 1. Members of the local union No. 4, United Brewery Workmen of the United States, only are allowed to do work in the brewery plants, giving, however, the coopers employed by the parties of the first part the right to do pitching and to drive on hoops in case of emergency.

§ 2. The employer, however, reserving the right to hire and discharge as he may see fit at any time.

§ 3. The secretary of local union No. 4; U. B. W. of U. S., has to keep a list of all unemployed members of said union, and in case any one party of the first part is in need of a man, such man to be selected from said list, by the party of the first part, and the secretary of local union No. 4 also notify the parties of the first part of the location of the office of local union No. 4.

§ 4. Nine (9) consecutive hours, interrupted only by one hour for dinner, and including fifteen minutes for lunch in the forenoon, shall constitute a day's work, the working hours to be from 7 o'clock a. m. to 5 o'clock p. m., with the exception of the men at the kettles. Necessary work on Sunday and other overtime work shall be paid at the rate of 35 cents per hour, and shall be paid in cash.

§ 5. The following wages are to be paid: All men in the wash-house and pitch-yard, not less than \$14 per week; all men at the kettles, in the fermenting-room and cellar, not less than \$16.50 per week. Apprentices, first year, not less than \$9 per week; second year, not less than \$10 per week; third year, not less than \$12 per week. All wages to be paid weekly. All men receiving higher wages than those stipulated above shall suffer no reduction of their pay.

§ 6. Each brewery is entitled to one apprentice for every twenty members of local union No. 4 employed there. Breweries which employ less than twenty men may also have one apprentice. An apprentice when entering upon his apprenticeship shall not be under sixteen nor over twenty-one years old. He has to learn all branches of the trade in three years.

§ 7. Nobody is to be engaged on recommendation of a saloonkeeper or any other person; business men are not allowed to work in breweries.

§ 8. During the months of December, January, February and March all hands to lay off one day each week, that day to be decided on by the parties of the first part, and no wages to be paid for that day. Should

any work be required on that particular day, the men employed in the brewery shall be called on alternately to perform this work, at the common wage rates.

§ 9. No member of local union No. 4 shall be discharged for serving on a committee in the interest of said union.

§ 10. Labor Day and Christmas Day are to be considered holidays, no work to be done on these days, and no deduction on wages to be made. Necessary work shall be paid at overtime rates.

§ 11. This agreement is to be in force from March 1, 1902, to March 1, 1904.

While the inside workmen thus have the nine-hour day, the enginners and firemen have to work twelve hours, the oilers and helpers ten hours and the peddlers ten hours in summer and nine hours in winter, besides stable work Sunday. The weekly wages of peddlers are to be not less than \$14, drivers \$13, stablemen and helpers \$11, engineers \$20 (7 days), firemen \$16 (7 days), oilers and helpers \$13.

Buffalo Grain Handlers.

The articles of agreement made April 5 between the International Longshoremens' Association and the superintendent of the Lake Carriers' Association govern the handling of grain at the port of Buffalo for the season of 1902. The wage scale for unloading grain is to be \$2 per 1,000 bushels; the only holidays recognized are Decoration Day, Fourth of July and Labor Day; the boss scoopers, who are to be members of the union, have power to hire and discharge men for cause, employing only members of the longshoremens' union, No. 109, and it is agreed that no saloon or political influence shall be allowed by representatives or employees of either party. Further, no man or boss in an intoxicated condition shall be permitted to work. The arbitration clause is as follows:

"In the event of any controversy arising between the I. L. A. or local organization and the Lake Carriers' Association or superintendent, or in the event of the men or local organization having any grievances, the men shall continue the work, and any or all such controversies shall be settled if possible by the president of the local organization and the superintendent of the Lake Carriers' Association. If such controversies and grievances cannot be settled then they shall be arbitrated by choosing a third disinterested man upon whom the president of the local organization and the superintendent for the Lake Carriers' Association shall agree. The decision of any two shall be final. If the president of the local organization and the superintendent for the Lake Carriers' Association cannot agree on a third man each side shall choose a disinterested man, the two men thus chosen to choose a third disinterested man and said three men shall constitute a board of arbitration.

"The decision of a majority of said three shall be final and both parties shall abide thereby. It is expressly agreed that said arbitration board shall meet within ten days after the matter has been submitted to them."

New York, Manhattan and Bronx Bricklayers.

The 1902 agreement between the Master Builders' Association of New York City and the bricklayers' unions (Nos. 4, 7, 11, 33, 34, 35, 37 and 47) of the boroughs of Manhattan and Bronx provides that "the wages of the bricklayers from July 1, 1902, to May 1, 1903, shall be 65 cents per hour," for 44 hours a week. This increases wages five cents an hour and is the only change in the annual agreement, the provisions of which have already been published in the BULLETIN.

New York, Manhattan and Brooklyn Stone Masons.

This third day of April, year of our Lord, 1902, we, the Arbitration Board of the Stone Mason Contractors' Association of the Greater New York and the Arbitration Boards of Stone Masons' Unions No. 74 and 30, New York, subordinate unions of the Bricklayers and Masons' International Union, with W. J. Bowen, 1st vice-president of the B. M. I. U., representing the National Executive Board of the B. M. I. U., have made the following agreement:

First.—The Stone Mason Contractors' Association of Greater New York agree to employ none but members of the subordinate unions of the B. M. I. U. holding cards of Unions Nos. 30, 66 and 74, New York. The unions agree to work for none but the members of the Stone Mason Contractors' Association of Greater New York, this not to apply to the Mason Builders' Association, owners employing masons by the day, contractors of brick masonry not members of the Mason Builders' Association or the agreement entered into by the executive board of the B. M. I. U. and the sub-contractors of the rapid transit tunnel.

Second.—Where a dispute arises involving the rights of the parties to this agreement, it is agreed that no strike shall take place, nor shall any members of the unions leave the work of any member of the Stone Mason Contractors' Association of Greater New York until the matter in dispute is brought to the attention of the joint arbitration board.

Third.—The hours for work shall be from 8 a. m. to 12 m., and from 1 to 5 p. m., 5 days in the week. On Saturday from 8 a. m. to 12 m. Overtime shall consist of work done between the hours of 6 p. m. and 7 a. m.

Fourth.—The scale of wages from April 1, 1902, to April 1, 1903, shall be fifty cents per hour. Overtime to be paid at the rate of seventy-five cents per hour.

Fifth.—If any increase of wages is contemplated it must be brought to the attention of said joint arbitration board two months previous to the expiration of this agreement.

New York, Manhattan and Bronx Wood Lathers.

The form of contract made between employers and the Journey-men Wood Lathers' Union for one year after April 7, 1902, provides for an eight-hour day (between 8 a. m. and 5 p. m.) and a minimum wage scale of 50 cents an hour, with double pay for overtime and for work on Saturday afternoon, Sunday and holidays, of which there are to be 9. The employer agrees to employ none but members of the union, or men acceptable to them, on wood lath, and to pay their traveling expenses and board when he sends them out of the borough in which his shop is located, provided the car fare exceeds ten cents. The union reserves the right to strike in sympathy with other trades "when it is necessary to protect union principles." The agreement concludes with the following provision for the arbitration of disputes:

"In case of misunderstanding between the parties of this agreement there shall be two persons chosen by the party of the first part and two persons chosen by the party of the second part, to arbitrate the matter in dispute. In case no decision is reached a fifth person shall be chosen by the four to act as umpire, and his decision shall be final and binding on both parties. Said decision to be rendered within six working days; work to proceed pending arbitration. But no article in this agreement shall be subject to arbitration."

New York Tar, Felt and Waterproof Workers.

Articles of agreement made April 7, 1902, between contractors and union officials regulate the conditions of labor in Greater New York and vicinity within a radius of 25 miles from the city hall for twelve months beginning April 1. Eight hours are to constitute a day's work and overtime is to be counted time and a half, with double time for work on Sunday and 8 holidays. The scale of wages is \$3 per day for foremen and \$2.50 a day for roofers and waterproofers. Only members of the union or men who meet the requirements of the union are to be employed, except when a sufficient number of union men are not obtainable, on work covered by the agreement, namely plastic slate, slag, gravel and all kinds of asphalt or composition roofing and waterproofing, except rock asphalt mastic. The usual provision is made for work outside the city and for sympathetic strikes. The arbitration clause is as follows:

"In case of trouble or any misunderstanding between the parties of this agreement, the differences shall be arbitrated by the executive committee on both sides for settlement and no strike shall be ordered for any cause whatever until the arbitrators have rendered their decision or failed to agree. * * * Decisions of arbitrators shall be rendered within six working days."

DECISIONS OF THE COURTS.

The Right to Strike.

On April 1st the Court of Appeals handed down an important decision concerning the right of workmen to combine and cease work in a body without violating the law against conspiracies. In the case of the National Protective Association of Steam Fitters and Helpers v. Cumming et al. of the Enterprise Association of Steam Fitters (170 N. Y., 315), the court held by a vote of 4 to 3 that "a labor union may refuse to permit its members to work with fellow-servants who are members of a rival organization, may notify the employer to that effect and that a strike will be ordered unless such servants are discharged, where its action is based upon a proper motive, such as a purpose to secure only the employment of efficient and approved workmen or to secure an exclusive preference of employment to its members on their own terms and conditions; provided that no force is employed and no unlawful act is committed. If, under such circumstances the employees objected to are discharged neither they nor the organization of which they are members have a right of action against the union or its members."

Heretofore such a strike or threat to strike has been held by the courts of this State to involve coercion and thus to come within the definition of conspiracy. This decision virtually sweeps away the only remaining limitation upon the right of combination of workmen and thus places them more nearly upon a legal equality with the employers, who have enjoyed almost unlimited freedom of contract in hiring or dismissing employees, whether singly or in combination (general lockout and blacklist).

In the earlier years of the preceding century the right of workmen to combine and agree upon united action in their relations with the employer was a question of common law. Although the common law is derived from England, its interpretation by American courts was not so harsh in respect of labor combinations as in England, where, moreover, laws were enacted forbidding combinations of workmen even for the purpose of raising wages. Nevertheless, under the common law, the rule concerning a "conspiracy to injure or prejudice another" was so comprehensive and loose that it became unpopular and was abrogated in New York by statute in 1830 (Revised Statutes, title 6, chapter 1), which read in part as follows :

§ 8. If two or more persons conspire:

1. To commit any offence; or

* * * * *

6. To commit any act injurious to the public health, to public morals or to trade or commerce * * *

They shall be deemed guilty of a misdemeanor.

§ 9. No conspiracies except such as are enumerated in the last section are punishable criminally.

§ 10. No agreement except to commit a felony upon the person of another, or to commit arson or burglary, shall be deemed a conspiracy unless some act besides such agreement be done to effect the object thereof by one or more of the parties to such agreement.

An additional subdivision making it criminal to conspire "to defraud or injure any person in his trade or business" was recommended by the statutory revisers and stricken out by the Legislature, which thus rejected the vague generalization of the common law.* In the leading case under this statute (*The People v. Fisher*, 9, 14 Wend.) the defendants, who were members of a shoemakers' union in Geneva, Ontario county, were held guilty of conspiracy for having enhanced the price of labor and hence of articles of trade by refusing to work for an employer who employed a non-member at wages below the union rate. Their interference, being thus in restraint of trade, was unlawful; "its tendency was to public inconvenience and embarrassment."

This case was considered authority for the proposition that a combination of workmen formed for the purpose of peaceably obtaining an advance in the rate of wages or of maintaining said rate was an unlawful conspiracy under the law of the State until the act of 1870,† save as it was modified by the decision of Judge Daly in 1867 in the case of the *Master Stevedores' Association v. Walsh* (2 Daly, 1). In 1870 the Legislature legalized combinations of workmen for advancing wages by excepting them from the provisions of the law of 1830 against conspiracy, thus—

"The provisions of subdivision 6 of section 8 of chapter 1, title 6, of the Revised Statutes, shall not be construed in any court of this State to restrict or prohibit the orderly and peaceable assembling or coöperation of persons employed in any profession, trade or handicraft, for the purpose of securing an advance in the rate of wages or compensation, or for the maintenance of such rate."‡

* See Fifth Annual Report of the Bureau of Labor Statistics (1887), p. 658. Part IV of this Report is devoted to the subject of Conspiracy Prosecutions and Conspiracy Laws.

† See Sixteenth Annual Report of the United States Commissioner of Labor (1901), p. 914.

‡ Now § 170 of the Penal Code.

While the workmen of New York thus obtained the right to strike for an advance of wages, such object must be immediate and direct or the courts would not recognize it. If, for example, a labor organization sought to benefit its members by striking against the employment of non-union men, the courts would hold such combination to be a conspiracy, on the ground that the immediate result would be to injure the employer or the non-unionist rather than to benefit the unionist. Thus in the notable case of *People ex rel. Gill v. Smith* (5 N. Y. Criminal Reports, 509) Judge Barrett in the Court of Oyer and Terminer of New York City, after affirming that "peaceable withdrawal from employment, commonly called a strike, however extensive, for the purpose of obtaining an advance in the rate of wages or maintaining such rate is not an offense against the provisions of these sections" (§§ 168, 170 of the Penal Code*) says that "where there is no relation direct or indirect between the rate of wages and a strike, the combination which brings the latter about for unlawful purposes is a criminal conspiracy under these sections. * * * I cannot assent to the doctrine that section 170 authorizes a combination of individuals to compel, by means condemned in section 168, all workmen to join the coöperative forces or to punish those who are supposed to be inimical thereto." Continuing Judge Barrett said:

"This section [170] is a weapon in aid not of compulsory organization, but of voluntary coöperation. The construction contended for by the relators would make the labor organizations, rather than the courts, the sole judges of whether their acts have any relation to or bearing upon the advancement of wages or the maintenance of the rate. It would enable such organizations to use the wage question, however remote or even imaginary, as a mere pretense to cloak designs entirely foreign thereto. Such was not the legislative intent evinced in either the letter or the spirit of the statute. The latter should be liberally interpreted to give due effect to its beneficent purposes, but it should not, by an unreasonable or strained construction, be turned from a measure of protection into an engine of oppression. The facts presented to the magis-

* Section 168. If two or more persons conspire—

5. To prevent another from exercising a lawful trade or calling, or doing any other lawful act, by force, threats, intimidation or by interfering or threatening to interfere with tools, implements or property belonging to or used by another, or with the use or employment thereof; or,

6. To commit any act injurious to the public health, to public morals, or to trade or commerce, or for the perversion or obstruction of justice, or of the due administration of the laws;

Each of them is guilty of a misdemeanor.

§ 170. No conspiracy is punishable criminally unless it is one of those enumerated in the last two sections, and the orderly and peaceable assembling or coöperation of persons employed in any calling, trade or handicraft for the purpose of obtaining an advance in the rate of wages or compensation, or of maintaining such rate, is not a conspiracy.

trate tend to show a deliberate purpose to impoverish and crush a citizen for no reason connected in the slightest degree with the advancement of wages or the maintenance of the rate. In execution of that purpose they also tend to show acts injurious to trade and acts preventive (by threats) of the exercise of a lawful calling."

This decision was affirmed by the Supreme Court and the Court of Appeals in 1888 in the case of *People ex rel. Gill v. Walsh* (6 N. Y. Crim. Rep., 292, and 100 N. Y., 633), and has been followed in subsequent cases of strikes against non-unionists,* and by the minority of the Court of Appeals in the latest case of *National Protective Association v. Cumming*, which began three years ago with an application by the plaintiffs, the National Protective Association of Steam Fitters and Helpers, for an injunction restraining the defendants, the Enterprise Association of Steam Fitters (both being labor unions of New York City), from preventing the employment of its members and from coercing or obtaining by threats, strikes, etc., the discharge of its members. At a special term of the Supreme Court, held July 8, 1899, Judge Truax granted the injunction (see BULLETIN, Sept. 1899, I, 124), which was however withdrawn by the Appellate Division, First Department, a year later, as noted in the BULLETIN for September, 1900 (vol. II, p. 237). In affirming the decision of the Appellate Division, the Court of Appeals has now established the doctrine that what is lawful for one person is equally lawful for two or more persons, in combination, and that it is not conspiracy for a labor union to force the discharge of a non-unionist by exerting pressure upon the common employer by means of a strike or a threat to strike. The prevailing opinion is written by Chief Justice Parker and is concurred in by Judges O'Brien, Haight and Gray (in memorandum), while a dissenting opinion is written by Judge Vann and concurred in by Judges Bartlett and Martin. As the minority opinion is in line with preceding decisions, it will be well to consider that first and then point out the departure made by the decision of the majority.

THE MINORITY OPINION.

Remarking that the present controversy is "not between employer and employee, but between different labor organizations, wherein one seeks to restrain the other from driving its members out of business and absolutely preventing them from earning a living by working at their trade," Judge Vann continues:

* Notably in the leading case of *Curran v. Galen*, 152 N. Y., 33; cf. BULLETIN June, 1898, p. 34.

"It is not the duty of one man to work for another unless he has agreed to, and if he has so agreed, but for no fixed period, either may end the contract whenever he chooses. The one may work or refuse to work at will and the other may hire or discharge at will. The terms of employment are subject to mutual agreement, without let or hindrance from any one. If the terms do not suit, or the employer does not please, the right to quit is absolute, and no one may demand a reason therefor. Whatever one man may do alone he may do in combination with others, provided they have no unlawful object in view. Mere numbers do not ordinarily affect the quality of the act.

"Workmen have the right to organize for the purpose of securing higher wages, shorter hours of labor, or improving their relations with their employer. They have the right to strike; that is, to cease working in a body by pre-arrangement until a grievance is redressed, provided the object is *not to gratify malice or inflict injury upon others, but to secure better terms of employment for themselves. A peaceable and orderly strike, not to harm others but to improve their own condition, is not a violation of law.** They have the right to go farther, and to solicit and persuade others who do not belong to their organization and are employed for no fixed period, to quit work also, unless the common employer of all assents to lawful conditions, designed to improve their material welfare.

"They have no right, however, through the exercise of coercion, to prevent others from working. When persuasion ends and pressure begins the law is violated, for that is a trespass upon the rights of others and is expressly forbidden by statute. (Penal Code, sec. 168.) They have no right, by force, threat or intimidation, to prevent members of another labor organization from working, or a contractor from hiring them, or continuing them in his employment. They may not threaten to cripple his business unless he will discharge them, for that infringes upon liberty of action and violates the right which every man has to conduct his business as he sees fit, or to work for whom and on what terms he pleases. (Their labor is their property to do with as they choose, but the labor of others is their property in turn, and is entitled to protection against wrongful interference. Both may do what they please with their own, but neither may coerce another into doing what he does not wish to with his own.) The defendant association made their own rules and regulations, and plaintiff corporation did the same. Neither was entitled to any exclusive privilege, but both had equal rights according to law. The defendants could not drive the plaintiff's members from the labor market absolutely, and the plaintiff could not drive the defendant's members therefrom. The members of each organization had the right to follow their own chosen calling without unwarrantable interference from others. Public policy requires that the wages of labor should be regulated by the law of competition and of supply and demand, the same as the sale of food or clothing. Any combination to restrain 'the free pursuit in this State of any lawful business in order to create or maintain a monopoly' is expressly prohibited by statute, and an injunction is authorized to prevent it. (Matter of Davies, 168 N. Y., 89, 96; L. 1897, ch. 383; L. 1899, ch. 690†.)

* Not italicized in the original.

† [The Donnelly Anti-Trust law. See BULLETIN, Sept. 1899, vol. 1, pages 131-2.]

"A combination of workmen to secure a lawful benefit to themselves should be distinguished from one to injure other workmen in their trade. Here we have a conspiracy to injure the plaintiffs in their business, as distinguished from a legitimate advancement of the defendants' own interests. While they had the right by fair persuasion to get the work of the plaintiff, McQueed, for instance, they had no right, either by force or by threats, to prevent him from getting any work whatever, or to deprive him of the right to earn his living by plying his trade. Competition in the labor market is lawful, but a combination to shut workmen out of the market altogether is unlawful. One set of laborers, whether organized or not, has no right to drive another set out of business or prevent them from working for any person upon any terms satisfactory to themselves. By threatening to call a general strike of the related trades the defendants forced the contractor to discharge competent workmen who wanted to work for him and whom he wished to keep in his employment. They conspired to do harm to the contractor in order to compel him to do harm to the plaintiffs, and their acts in execution of the conspiracy caused substantial damage to the members of the plaintiff corporation. While no physical force was used, the practical effect was that members of one labor organization drove the members of another labor organization out of business and deprived them of the right to labor at their chosen vocation. Depriving a mechanic of employment by unfair means is the same in principle as depriving a tradesman of his customers by unfair means, which has always been held a violation of law.

"A conspiracy is a combination to do an illegal act by legal means or any act by illegal means. Here the means used were illegal, because they tended and were designed to injure a man in his business without lawful excuse. A threat, whether made by one alone or by many acting in combination, to injure a man in his business, unless he will conduct it in a way that he does not wish to is a tortious act, because it interferes with business freedom, and if it results in injury it is actionable. * * *

"The object [of the defendants] was evil, for it was not to compete for employment by fair means, but to exclude rivals from employment altogether by unfair means. The object of the defendants was not to get higher wages, shorter hours or better terms for themselves, but to prevent others from following their lawful calling. The law gives all men an equal chance to live by their own labor, and does not permit one labor union to seize all the chances by compelling employers to refuse employment to the members of all other unions. The plaintiffs do not ask for protection against competition, but from 'malicious and oppressive interference' with their right to work at their trade.

* * * * *

"I assume that the defendants caused the discharge of the plaintiffs' men by threatening to cripple their employer's business unless he discharged them, and that they also molested them by threatening to prevent them from working at their trade in the city of New York, by calling a general strike of all trades on any building where they might be employed. The action of the defendants was wrongful and malicious, and their object was to force men who had learned a trade to abandon it and take up some other pursuit. There is no finding that the defendants maintained a higher standard of skill than the plaintiffs.

"It may be argued that the employers were not obliged to yield to these threats, and this is true; but non-compliance meant ruin to them, for their work would be completely tied up and their business paralyzed. A threat, with ruin behind it, may be as coercive as physical force. The effect of such threats upon men of ordinary nerve is well known. They could not perform their contracts and would thus be subjected to great loss. Hence, against their will, they yielded to unlawful demands. Personal liberty was interfered with through coercion of the will. Some of them knew from experience, as the record shows, that the military discipline of the defendant organizations practically compelled instant obedience of an order to strike. When an association is so strong and its discipline so perfect that its orders to strike are equivalent to the commands of an absolute monarch the effect is the same as the use of physical force. (Tiedeman's State and Federal Control of Persons and Property, vol. 1, page 433; Erie on Trade Unions, 12, 105.)

* * * * *

"Unlawful combinations of capital are restrained without hesitation, and the same test of illegality should be applied to combinations of labor, for both are equal before the law, and both are covered by the same statute. (L. 1897, ch. 383; L. 1899, ch. 690.)

* * * * *

"The conclusions I have announced are supported by the weight of authority in this country and in England. The leading case in this State is controlling in principle and requires a reversal of the order appealed from. (*Curran v. Galen*, 152 N. Y., 33). * * * All the judges who sat in this court united with Judge Gray in saying that public policy and the interests of society favor the utmost freedom in the citizen to pursue his lawful trade or calling, and if the purpose of an organization or combination of workmen be to hamper, or to restrict that freedom, and, through contracts or arrangements with employers, to coerce other workmen to become members of the organization and to come under its rules and conditions, under the penalty of the loss of their position, and of deprivation of employment, then that purpose seems clearly unlawful and militates against the spirit of our government and the nature of our institutions. The effectuation of such a purpose would conflict with that principle of public policy which prohibits monopolies and exclusive privileges. It would tend to deprive the public of the services of men in useful employment and capacities. It would, to use the language of Mr. Justice Barrett in *People ex rel. Gill v. Smith* (5 N. Y. Cr. Rep. at p. 513), 'impoverish and crush a citizen for no reason connected in the slightest degree with the advancement of wages or the maintenance of the rate.'"

JUDGE GRAY'S OPINION.

Judge Gray, who is thus quoted in opposition to the present decision of the court, writes a memorandum expressing concurrence with Chief Justice Parker and distinguishing between the case of *Curran v. Galen* and the present action. In the former case, he

says, the plaintiff's "discharge was procured through false and malicious reports affecting his reputation with members of his trade and with employers. But," he continues—

"There is no such compulsion, or motive, manifest here. There is no malice found. There is no threat of a resort to illegal methods. We may assume (and the evidence would justify the assumption) that the action of the respondents was based upon a proper motive, relating to the employment of mechanics whose competency and efficiency had been examined into and approved. The contest is between rival labor organizations, it is true. The respondents have succeeded, through the threat that other workmen would leave their work if the members of the appellant organization were not discharged, in procuring the employment of the members of their own association. But no unlawful means were taken; nor were any illegal acts committed in bringing about that result. It was not an effort to compel the members of the appellant organization to join the respondents' association, as a condition of being allowed to work. There is no finding to that effect. On the contrary, it appears that the appellant, McQueed, having failed to pass the required examination to become a qualified member of the respondents' association, proceeded to organize an association of his own. Regarded either as an effort to secure only the employment of efficient and approved workmen, or as a mere struggle for exclusive preference of employment, on their own terms and conditions, from either standpoint how can it be said to be within the condemnation of the law, or of any statute, when there was no force employed, nor any unlawful act committed? Our laws recognize the absolute freedom of the individual to work for whom he chooses, with whom he chooses and to make any contract upon the subject that he chooses. There is the same freedom to organize, in an association with others of his craft, to further their common interests as workmen, with respect to their wages, to their hours of labor, or to matters affecting their health and safety."

THE MAJORITY OPINION.

In his opinion, Chief Justice Parker likewise makes incidental reference to the fact that the defendant associations of steamfitters required every applicant for membership to pass an examination testing his competency, and draws the inference that workmen, who under our employers' liability laws are required to assume the risk of injuries sustained through the negligence or recklessness of fellow-employees, are certainly justified in refusing to work with artizans who have failed to prove their competency. The examination required by the defendant associations not only tends to remove the objections sometimes urged against labor organizations, that unskillful workmen receive as large compensation as those thoroughly competent, but—

"Their restriction of membership to those who have stood a prescribed test must have the effect of securing careful as well as skillful associates in their work, and that is a matter of no small importance in view of

the state of the law which absolves the master from liability for injuries sustained by a workman through the carelessness of a co-employee. So long as the law compels the employee to bear the burden of the injury in such cases it cannot be open to question but that a legitimate and necessary object of societies like the defendant associations would be to assure the lives and limbs of their members against the negligent acts of a reckless co-employee, and, hence, it is clearly within the right of an organization to provide such a method of examination, and such tests as will secure a careful and competent membership, and to insist that protection of life and limb requires that they shall not be compelled to work with men whom they have not seen fit to admit into their organization, as happened in the case of the plaintiff, McQueed. * * *

"It is well known that some men, even in the presence of danger, are perfectly reckless of themselves and careless of the rights of others, with the result that accidents are occurring almost constantly which snuff out the lives of workmen as if they were candles, or leave them to struggle through life maimed and helpless. These careless, reckless men are known to their associates, who not only have the right to protect themselves from such men, but, in the present state of the law, it is their *duty*, through their organizations, to attempt to do it, as to the trades affording special opportunities for mischief arising from recklessness.

"I know it is said in another opinion in this case that 'workmen cannot dictate to employers how they shall carry on their business, nor whom they shall or shall not employ,' but I dissent absolutely from that proposition, and assert that, so long as workmen must assume all the risk of injury that may come to them through the carelessness of co-employees, they have the moral and legal right to say that they will not work with certain men, and their employer must take their dictation or go without their services."

But Judge Parker takes the broader ground that the defendants had the right to strike for any reason they deemed a just one, and further had the right to notify their employer of their purpose to strike. Starting from the principles laid down by Judge Vann in the second paragraph of his opinion (see especially the italicized words) with which he expresses agreement, Judge Parker affirms that these propositions recognize—

"the right of one man to refuse to work for another on any ground that he may regard as sufficient and the employer has no right to demand a reason for it. But there is, I take it, no legal objection to the employee's giving a reason, if he has one, and the fact the reason given is, that he refuses to work with another who is not a member of his organization, whether stated to his employer or not, does not affect his right to stop work nor does it give a cause of action to the workman to whom he objects because the employer sees fit to discharge the man objected to rather than lose the services of the objector.

"The same rule applies to a body of men who, having organized for purposes deemed beneficial to themselves, refuse to work. Their reasons may seem inadequate to others, but if it seems to be in their interest as

members of an organization to refuse longer to work, it is their legal right to stop. The reason may no more be demanded, as a right, of the organization than of an individual, but if they elect to state the reason their right to stop work is not cut off because the reason seems inadequate or selfish to the employer or to organized society. And if the conduct of the members of an organization is legal in itself, it does not become illegal because the organization directs one of its members to state the reason for its conduct.

"The principles quoted above recognize the legal right of members of an organization to strike, that is, to cease working in a body by prearrangement until a grievance is redressed, and they enumerate some things that may be treated as the subject of a grievance, namely, the desire to obtain higher wages, shorter hours of labor or improved relations with their employers, but this enumeration does not, I take it, purport to cover all the grounds which will lawfully justify members of an organization refusing, in a body and by prearrangement, to work. The enumeration is illustrative rather than comprehensive, for the object of such an organization is to benefit all its members and it is their right to strike, if need be, in order to secure any lawful benefit to the several members of the organization, as, for instance, to secure the re-employment of a member they regard as having been improperly discharged, and to secure from an employer of a number of them employment for other members of their organization who may be out of employment, although the effect will be to cause the discharge of other employees who are not members.

"And whenever the courts can see that a refusal of members of an organization to work with non-members may be in the interests of the several members, it will not assume in the absence of a finding to the contrary that the object of such refusal was solely to gratify malice and to inflict injury upon such non-members."

(Examining more discriminatingly the distinction between lawful and unlawful motives for a strike (i. e. self-interest as opposed to malice toward another), Judge Parker dissents from the proposition that a strike is lawful when its purpose is to help its members and unlawful when its purpose is merely to injure non-members :

"It seems to me illogical and little short of absurd to say that the every-day acts of the business world, apparently within the domain of competition, may be either lawful or unlawful according to the motive of the actor. If the motive be good, the act is lawful; if it be bad, the act is unlawful. Within all the authorities upholding the principle of competition, if the motive be to destroy another's business in order to secure business for yourself, the motive is good; but, according to a few recent authorities, if you do not need the business, or do not wish it, then the motive is bad; and some court may say to a jury, who are generally the triers of fact, that a given act of competition which destroyed A's business was legal if the act was prompted by a desire on the part of the defendant to secure to himself the benefit of it, but illegal if its purpose was to destroy A's business, in revenge for an insult given."

Nevertheless, for the purpose of discussion he assumes the distinction to be sound and then proceeds to show that in the present case the purpose of the defendants in striking was primarily to benefit themselves :

" Nowhere throughout the finding will be found even a hint that a strike was ordered or a notification given of the intention to order a strike for the purpose of accomplishing any other result than that of securing the discharge of the members of the plaintiff association and the substitution of members of the defendant associations in their place. Such a purpose is not illegal within the rules laid down in the opinion of Judge Vann, nor within the authorities cited therein; on the contrary, such a motive is conceded to be a legal one. It is only where the sole purpose is to do injury to another, or the act is prompted by malice, that it is insisted that the act becomes illegal. No such motive is alleged in that finding. It is not *hinted* at. On the contrary, the motive which always underlies competition is asserted to have been the animating one. It is beyond the right and the power of this court to import into that finding, in contradiction of another finding or otherwise, the further finding that the motive which prompted the conduct of defendants was an unlawful one, prompted by malice and a desire to do injury to plaintiffs without benefiting the members of the defendant associations.

" I doubt if it would ever have occurred to anyone to claim that there was anything in that finding importing a different motive from that specially alleged in the finding, had not the draftsman characterized the notice given to the employers by the associations of their intention to strike as ' threats.'

" The defendant associations, as appears from the finding quoted, wanted to put their men in the place of certain men at work who were non-members working for smaller pay, and they set about doing it in a perfectly lawful way. They determined that if it were necessary they would bear the burden and expense of a strike to accomplish that result, and in so determining they were clearly within their rights, as all agree. They could have gone upon a strike without offering any explanation until the contractors should have come in distress to the officers of the associations asking the reason for the strike. Then, after explanations, the non-members would have been discharged and the men of defendant associations sent back to work. Instead of taking that course, they chose to inform the contractors of their determination and the reason for it.

" It is the giving of this information, a simple notification of their determination, which it was right and proper and reasonable to give, that has been characterized as ' threats' by the Special Term, and which has led to no inconsiderable amount of misunderstanding since. But the sense in which the word was employed by the court is of no consequence, for the defendant associations had the absolute right to threaten to do that which they had the right to do. Having the right to insist that plaintiff's men be discharged and defendants' men put in their place if the services of the other members of the organization were to be retained,

they also had the right to threaten that none of their men would stay unless their members could have all the work there was to do.

* * * * *

"A man has a right under the law to start a store and to sell at such reduced prices that he is able in a short time to drive the other storekeepers in his vicinity out of business, when, having possession of the trade, he finds himself soon able to recover the loss sustained while ruining the others. Such has been the law for centuries. The reason, of course, is that the doctrine has generally been accepted that free competition is worth more to society than it costs, and that, on this ground, the infliction of damages is privileged. (*Commonwealth v Hunt*, 4 Metcalf, 411, 434.)

"Nor could this storekeeper be prevented from carrying out his scheme because, instead of hiding his purpose, he openly declared to those storekeepers that he intended to drive them out of business in order that he might later profit thereby. Nor would it avail such storekeepers, in the event of their bringing an action to restrain him from accomplishing their ruin by underselling them, to persuade the trial court to characterize the notification as a 'threat,' for on review the answer would be: A man may threaten to do that which the law says he may do, provided that, within the rules laid down in those cases, his motive is to help himself.

"A labor organization is endowed with precisely the same legal right as is an individual to threaten to do that which it may lawfully do."

Judge Parker does not discuss the authorities, but quotes from some of the earlier British statutes defining the rights of workmen to show that the early precedents while "entirely consistent with the policy of the statute law of England, are hostile not only to the statute law of this country but to the spirit of our institutions." The leading English case (*Allen v. Flood*), it may be remarked, is very similar to the present case and was similarly decided. It was hailed at the time as a great victory for the workingmen, but did not give the satisfaction that was expected.* It was soon seen that the sanctification thus given to the theory of unrestricted freedom of contract might easily lead to the economic tyranny of the strong; that what was law for combinations of workingmen must also be law for combinations of employers; that unlimited freedom of competition would permit and even encourage the formation of syndicates and trusts by means of factors' agreements and of the "cut-throat" competition and underselling in one locality made possible by exorbitant charges in other localities where competition was absent; that by breaking down the time-honored distinction between fair and unfair competition, the

*See "The British Conspiracy and Protection of Property Act and its Operation" in the Bulletin of the U. S. Dept. of Labor, March 1901.

decision would encourage the growth of monopolies. The result in England has been a reaction and a recent decision of the highest court has, in the words of Judge Vann, "carefully limited and explained, if not virtually overruled" the case of *Allen v. Flood*.*)

Constitutionality of the Ten Hour Bakeshop Law.

The bakeshop law enacted in 1895 and now constituting Article VIII of the general labor law limits the hours of labor in bakery and confectionery establishments to ten a day and permits no overtime save for the purpose of making a shorter work day on Saturday. Its validity having been questioned, the Appellate Division of the Supreme Court, Fourth Department, has now decided that it is not unconstitutional.

The test case originated in Utica, where a master baker, Joseph Lochner, was arrested upon the complaint of Deputy Factory Inspector O'Rourke, to whom an employee had given affidavits that he had worked in Lochner's bakery more than ten hours a day. In the Oneida county court Lochner was convicted of violating the law and from that judgment he took an appeal on the ground that the statute unwarrantably impairs the liberty of contract guaranteed by the Constitution. The Appellate Division, by a divided court, holds that the statute does not prohibit any right, but simply regulates the business; the defendant is not deprived of any right or privilege which is not denied to others in a similar business. The rule is that when one devotes his property to a use, or carries on a business in which the public has an interest, he holds the property and carries on the business subject to the police power of the State to regulate or control its use, so as to protect and preserve the public health, the public morals, and the general safety and welfare of the public. A bakery and confectionery establishment comes within the rule. The decision thus agrees with the Court of Appeals decision in *People v. Havnor*, which in 1896 sustained the constitutionality of the anti-Sunday barbering law on the ground of the police power of the State.

Justice Davy writes the prevailing opinion, which is concurred in by Judges Spring and Hiscock and dissented from by Judges

*In *Quinn v. Leatham* five concurring opinions were written by the law Lords which unanimously held that "a combination of two or more, without justification or excuse, to injure a man in his trade by inducing his customers or servants to break their contracts with him, or not to deal with him, or continue in his employment, is, if it results in damage to him, actionable."

McLennan and Williams. After discussing the cases on the police power, Judge Davy says:

"It is very important for the health of the community that bakers should supply the people with wholesome bread and pure food. The people are interested in the business; it is of so much public interest that the Legislature, under the police power of the State, may control the business by any regulation which is necessary to secure the public health. The regulations instituted by this statute were for the purpose of protecting the health of the employees and giving the public pure and wholesome bread and other articles of food sold by bakers. These establishments are compelled to do baking during the nighttime, in order to supply their customers in the morning. It is necessary for them to have their ovens heated day and night, and their employees are required to work more hours each day than men usually work who are engaged in other kinds of business. When we consider the intense heat of the rooms where baking is done, and the flour that floats in the air and is breathed by those who work in bakeries, there can be but little doubt that prolonged labor day and night, subject to those conditions, might produce a diseased condition of the human system, so that the employees would not be capable of doing their work well and supplying the public with wholesome food. The Legislature no doubt recognized the fact that proprietors of these establishments desire to obtain as much labor as possible from their employees, who, from fear of being discharged, are often induced to comply with the employer's request to work during both day and night, and the Legislature evidently reached the conclusion that more than ten hours' labor each day might be injurious to the health of the employees."

Constitutionality of the Eight Hour Law.

Since the Court of Appeals in February, 1901, declared the prevailing rate of wages clause of the Labor Law unconstitutional, some uncertainty has existed as to the validity of the eight hour clause in the same section of the Labor Law. As previously noted in the BULLETIN (December, page 312, and March, page 47), two county courts have held the eight hour law unconstitutional. One of these cases (that against the Orange County Road Construction Company) was appealed at the request of the Commissioner of Labor and on June 13 was decided by the Appellate Division of the Supreme Court, Second Department. The court, in unanimously reversing the judgment of the Orange county court and affirming the constitutionality of the law, followed the decision in *People v. Warren*, 77 Hun, 120, in which the Supreme Court in 1894 affirmed the constitutionality of the eight hour section of the Buffalo city charter. The opinion is reprinted below in full:

Section 384-h of the Penal Code provides that any person or corporation who, contracting with the State or a municipal corporation, shall require

more than eight hours' work for a day's labor is guilty of a misdemeanor, and on conviction therefor shall be punished by a fine of not less than five hundred nor more than one thousand dollars for each offense.

The defendant was indicted for a violation of this statutory provision. A demurrer was interposed to the indictment and sustained by the County Court; and from the judgment entered upon such demurrer an appeal has been taken in behalf of the people.

The decision of the court below was based upon the proposition that the section of the Penal Code upon which the indictment is founded is unconstitutional. This conclusion appears by the opinion of the learned county judge to have been induced largely by the decision of the Court of Appeals in the case of the People ex rel. Rogers v. Coler (166 N. Y., 1), although he concedes that the question considered here was not directly involved there.

It is manifest, however, from the later decision of the Court of Appeals in People ex rel. Lentilhon v. Coler (168 N. Y., 6) that the prevailing opinion in the Rodgers case is not to be deemed in anywise controlling upon the question of the constitutionality of the legislation which prohibits more than eight hours of work in any calendar day under contract with the State or a municipal corporation. That question is yet to be passed upon by the court of last resort.

The constitutionality of such legislation, however, has already been considered and sustained in the appellate branch of the Supreme Court. (People v. Warren, 77 Hun, 120.) An act to revise the charter of the city of Buffalo, passed in 1891, contained this provision: "Nor shall any man or set of men be employed for more than eight hours in twenty-four consecutive hours except in case of necessity, in which case pay for such labor shall be at the rate of time and one-half for all time in excess of such eight hours." The General Term of the Fifth Department, speaking through Dwight, P. J., unanimously refused to hold that this enactment was violative either of the Constitution of the United States or the Constitution of this State. The opinion of the presiding justice to this effect was concurred in by Justices Lewis, Haight and Bradley.

It is true that in a *habeas corpus* proceeding subsequently instituted the Court of Appeals declared that the amendment of the Buffalo charter there in question was not penal in its character and could not be made the basis of an indictment of any person for misdemeanor (People ex rel. Warren v. Beck, 144 N. Y., 225); but this decision did not deny or question in any respect the constitutionality of legislation restricting the period of labor upon municipal contracts to a day of eight hours. An instructive reference to this Warren case will be found in the dissenting opinion of Parker, Ch. J., in People ex rel. Rodgers v. Coler (166 N. Y., on page 34).

Up to the present time, therefore, we find the fact to be that the only authoritative expression of opinion by the Supreme Court upon the constitutionality of such legislation as is attacked in the case at bar is the unanimous decision of the General Term of the Fifth Department upholding a statute of this character, in the case of the People v. Warren (supra). We think that this decision should be deemed controlling until the Court of Appeals has passed upon the question.

It follows that the judgment should be reversed, and judgment directed disallowing the demurrer.

Constitutionality of Tenement House Act.

The tenement house act of 1901 (chapter 334, approved April 12) provided that houses in course of construction should be governed by the existing laws, but that houses for which plans were filed after April 10 should be built under the new act. George Herdje, of Brooklyn, filed plans and specifications for a building on April 12, some hours before the enactment of the law, and on the same day entered into a contract for the erection of the structure. The city obtained an injunction from the Supreme Court restraining him from the construction of buildings not conforming to the requirements of the new act, and Herdje appealed the case on the ground that inasmuch as a permit had been granted in accordance with laws actually in force, and he had made a contract to build upon the land, his inchoate right to build became an absolute property right, and that the tenement house act destroyed this right, impaired the obligation of the contract and was therefore unconstitutional. In reviewing the case the Appellate Division, Second Department, unanimously sustained the injunction and affirmed the constitutionality of the act as "an exercise of the police power in the interest of the public health, morals and safety." (*City of New York v. Herdje*, 68 App. Div. 370.)

Relation of Profit Sharing to Wages.

Section 8 of the Labor Law requires a receiver of a partnership or corporation to give preference to the wages of employees above every other debt or claim. Upon the dissolution of the firm of Alfred Dolge & Son, who had established a scheme of profit sharing, the question arose as to whether the amounts due the employees under such scheme were entitled to preference as wages. The trial court (Onondaga special term of the Supreme Court) decided in the negative and its judgment was unanimously affirmed by the Appellate Division, Fourth Department, at the March term. The official reporter gives the following statement of the case (70 App. Div. 517):

A firm, desiring to share a portion of the profits of the business with its employees, adopted a plan known as the "Earnings Division Accounts," which embraced pension, insurance and endowment features. The rules and regulations governing the respective features were embodied in laws called respectively the Pension Law, Insurance Law and Law of Endowment. Each of these laws contained the following provision: "It is distinctly understood that all and every of the provisions of this law are voluntary on behalf of said house of Alfred Dolge, and that this law

does not, nor does any of the provisions herein contained, confer any legal right or create any legal right in favor of any employee of said house mentioned herein, or of any person or persons whomsoever, nor any legal liability on behalf of said house of Alfred Dolge, or of said Alfred Dolge, either in law or in equity." The preamble to the laws stated that it was entirely discretionary with the firm to say how much of the net earnings of the business should be set aside for distribution among the employees.

Upon entering the service each employee received a pass book containing a copy of the preamble and the various laws. Each year the pass book was called in and the amount to which the employee was entitled entered therein.

After the plan had been in existence for some time the firm was dissolved and a permanent receiver was appointed. No funds had been set apart out of the assets of the business for the payment of the amounts entered in the pass books.

Held, that the employees did not have a valid claim against the receiver for the amounts credited to them in the pass books;

That the crediting of such amounts in the pass books did not create a valid gift thereof, and that the facts did not sustain the contention that they represented wages;

That, assuming that such amounts did represent wages which the employees had contributed to the business, the claims of the employees for such amounts would not be entitled to a preference under section 8 of the Labor Law (Laws of 1897, chap. 415), providing that, upon the appointment of a receiver of a partnership, the wages of the employees of the partnership shall be preferred to every other debt or claim, as the wages so contributed lost their character as such by the contribution and became mere claims for money loaned.

Trade Union Benefit Insurance.

In the case of *Hart v. Adams Cylinder and Web Press Printers' Association No. 51 of the City of New York and Vicinity* the Appellate Division, Second Department, at the March term unanimously affirmed the judgment of the Brooklyn municipal court in favor of the defendant union. The particulars follow (69 App. Div. 578):

One of the organizers of a trade union which had a limited insurance charter, made an agreement with Martin Hart, who had been suspended for non-payment of dues, under which the latter was to be re-instated upon the payment of his arrears, in instalments at the rate of five dollars per month until the amount thereof was paid. Pursuant to this agreement Hart made four payments of five dollars each. Thereafter, when he was at home, sick in bed, his employer paid the balance of his arrears of dues, amounting to seventy-nine dollars and fifty cents. Five days later Hart died.

In an action brought by his widow against the trade union to recover the funeral benefit which the trade union undertook to pay to the beneficiaries of its members, it appeared that a by-law of the defendant pro-

vided that a member in arrears for dues "shall not be entitled to claim for sick benefits or funeral allowance during the time such arrearages remain unpaid, and for six months after the settlement of such arrearages," and that the same provision existed as to a new member.

Held, that the plaintiff was not entitled to recover;

That such a by-law was reasonable, especially as the effect thereof was to place re-instated members on an equal footing with new members.

Master's Right to Discharge Servant.

William L. Burt, employed to manage horses on the farm of William H. Catlin, was discharged by the latter for assaulting his superintendent in an altercation over the removal of a horse from one stall to another. Burt then sued Catlin for alleged illegal termination of his contract of employment.

At the trial of the case before the County Court of Westchester county the jury awarded damages to the extent of \$390, but the court set aside the verdict and ordered a new trial. Appeal from this order was taken to the Appellate Division in the Second Department, which unanimously reversed the order and affirmed judgment for the plaintiff, holding that his resentment of the superintendent's charge of falsehood, in the manner stated, "could not harm the master in any essential respect." (65 App. Div., 456.)

Employers' Liability.

[NOTE.—No attempt is made to record under this heading all the decisions reported as to the liability of employers for negligence which results in injuries to employees; the cases of negligence reported include the following: (1) All decisions of courts of record which involve interpretation of the Labor Law, (2) all decisions of the Court of Appeals, (3) final decisions of the Appellate Division of the Supreme Court, and (4) such other decisions as may seem of interest by reason of peculiar circumstances.]

SCAFFOLDING—LABOR LAW CONSTRUED.—In the case of *Chaffee v. Union Dry Dock Co.* (68 App. Div. 578) the plaintiff had obtained \$3,500 damages for personal injuries sustained through the falling of a scaffold while he was at work upon a vessel being built at the Union dry dock in Buffalo Nov. 8, 1900. The defendants had sought exemption from liability on the familiar principle that the construction of scaffolding was a matter of detail which might be delegated by the employer to the employee; but the trial justice ruled against this defense on the ground that the Labor Law (§ 18, ch. 415, Laws of 1897) imposed upon the employer a duty, which could not be delegated, of exercising reasonable care and diligence to make the scaffolding safe and proper. In appealing from the judgment, the principal point made by the employers'

counsel was that a ship is not a "structure" within the meaning of section 18 of the Labor Law. The Appellate Division, Fourth Department, at the January term unanimously affirmed the judgment, saying that—

"The purpose of the statute was to insure greater protection and security for workmen. The courts have established the rule that an employer might relieve himself from any personal responsibility in the construction of a scaffold. This statute revoked such rule and placed upon him the obligation of a personal duty to exercise proper care to make such construction safe for the men who might be called to go upon it. The underlying thought, of course, was that a scaffold by its very nature would be raised a greater or less distance from the ground and that a faulty or negligent construction causing it to give way would in many cases result in serious injuries to those who were upon it. The injury of workmen falling by reason of defective scaffolds was the thing to be avoided. It was an entirely immaterial circumstance before this general purpose whether the scaffold should happen to be around a house, a barn, a vessel or a flag pole. If it fell forty feet the man upon it would be injured in one case as readily as in the other, and it was against that injury that the Legislature sought to guard by imposing additional responsibilities upon the employer in favor of the employee * * *. The word 'structure', measured by its derivation, means something which is arranged, built or constructed * * *. Keeping in mind the purpose and wording of the statute and the fair meaning of the word, we think it would be narrow and indefensible for us to hold that the statute applied to a scaffold around a building ten feet square and not to one employed in the construction of the hull of a vessel 400 feet long, 48 feet wide and nearly 30 feet high."

NEGLIGENCE—MACHINERY IN COURSE OF CONSTRUCTION NEED NOT BE COVERED—LABOR LAW CONSTRUED.—In the case of *Foster v. The International Paper Co.* (71 App. Div. 47), the Appellate Division, First Department, at the April term, with one dissenting voice, reversed the judgment of the court below (upon the verdict of a jury for \$11,000 damages) and ordered a new trial. The following is the statement of the case prepared by the official reporter:

In an action brought to recover damages for personal injuries sustained by the plaintiff, it appeared that the plaintiff and other employees of the defendant were engaged in installing new machinery in the defendant's mill; that on the day of the accident he and another employee of the defendant went into the cellar of the mill for the purpose of placing a belt on a revolving shaft; that while they were so engaged, the belt slipped; that as it slipped the plaintiff stepped back against the shaft and that a sprocket wheel attached to the shaft or the set screws by which it was fastened, caught in his clothes and drew him around the shaft, striking him against the wall and causing him to sustain severe injuries.

The shaft had been in position about three weeks. A portion of the shafting had been used for the purpose of running some machinery in the mill for about a week, but at the time the accident happened that portion of the shaft upon which the plaintiff was at work and the belt which the plaintiff was trying to adjust were being used for the first time. The sprocket wheel had never been used and could not be used until a chain attachment had been put into place. The mill was not in operation, but the shaft was kept in motion for the purpose of installing the new machinery.

Held, that, upon the evidence, the court was not justified in instructing the jury that the defendant had violated the provisions of the Labor Law (Laws of 1897, chap. 415, § 81) by failing to protect and guard the sprocket wheel or shaft;

That the Labor Law does not require an employer to cover or guard machinery in the course of construction, so that persons engaged in the construction of it will not be injured.

NEGLIGENCE—ASSUMPTION OF RISK—BURDEN OF PROOF.—On April 8th the Court of Appeals decided a case (*Dowd v. N. Y., O. & W. Ry. Co.*, 170 N. Y. 459) which involved the practice of “kicking” or shunting cars in railroad yards and in which the court defined the doctrine of assumption of risk through mere continuance in employment. Michael Dowd, who was employed as a car repairer by the New York, Ontario & Western Railway Co., was at work under a car standing on a switch in the yards at Sidney, August 31, 1892, when a train was shifted upon the same track. After the train had been severed from the engine, it got beyond the control of the single trainman on board and collided with the car under which Dowd was working, running over and killing him. Dowd’s widow sued the company for damages and obtained judgment, which was affirmed by the Appellate Division, Fourth Department, in 1901, and now also by the Court of Appeals, nearly ten years after the date of the accident. Upon the trial, it appeared that in accordance with the company’s rules, Dowd had placed the proper signals at the rear of the train under which he was working. The company maintained that its rules were adequate, while the plaintiff maintained and the jury found that they were insufficient. This is also the opinion of the Court of Appeals: “While the rules of the defendant might be adequate for the protection of standing cars from an approaching train, which having an engine attached could be controlled, the inference was permissible that they were inadequate as against a train moving without an engine on a descending grade, through momentum acquired before the engine was cut off. * * * The principle

that servants assume the risks of the business is qualified by the duty of the master to protect them from unnecessary hazards, including the negligence of fellow-servants, by making such reasonable rules as the situation requires. (*Abel v. D. & H. Canal Co.* 128 N. Y. 662)." The contention of the defendant that the decedent, if he knew of the practice of shunting that caused his death and continued to work without any promise by the defendant to correct its methods, thereby assumed the danger and waived any claim for damages on account thereof, is answered by the court with the assertion that the burden of proof of such knowledge of the risk rests upon the defendant and not upon the plaintiff and that the evidence did not conclusively establish the fact of such knowledge.

NEGLIGENCE—ASSUMPTION OF RISK—FELLOW-SERVANT.—A car inspector in the employ of a railroad company who, while voluntarily engaged in assisting the conductor of a shifting engine, and not in the course of his duties as car inspector, goes between two cars for the purpose of uncoupling them, assumes the risk incident thereto; and if he is killed in consequence of the shifting engine backing other cars against those which he is endeavoring to uncouple, the railroad company is not liable for the damages resulting from his death, especially where it appears that when he went between the cars he did not station a man by the side thereof, as required by a rule promulgated by the railroad company for the protection of car inspectors, and which had been communicated to the deceased. If the engineer of the shifting engine was negligent in pushing cars against those which the deceased was endeavoring to uncouple, it was the negligent act of a fellow-servant of the deceased and not of the master (*Devoe v. N. Y. Central & H. R. Ry. Co.*, 70 App. Div. 495, wherein the court, Fourth Department, at the March term, unanimously reversed judgment, with verdict of \$7,000 damages, and ordered a new trial).

NEGLIGENCE—ASSUMPTION OF RISK WHEN EMPLOYER HAS PROMISED TO PROVIDE SAFETY APPLIANCE.—A case of unusual interest and importance was decided by a divided court at the March term of the Appellate Division, Fourth Department, which reversed the judgment of the trial court (carrying a verdict in favor of the plaintiff for \$5,120 damages) and ordered a new trial. The case

was that of *Rice v. Eureka Paper Co.*, 70 App. Div. 336, summarized as follows:

A factory employee engaged in operating a rag cutter which is not fitted with a belt shifter or other device by which it can be stopped quickly in case of emergency, and who is aware of the danger to be apprehended from the absence of such appliances, assumes the risk incident thereto and cannot recover damages from his employer for personal injuries sustained by him in consequence of the fact that his hand becoming caught in the material which he is feeding into the machine and that he is unable to stop it in time to escape injury. Evidence that the accident occurred early on a Wednesday morning and that on the previous Saturday the employee narrowly escaped meeting with a similar injury and at once called the attention of his superior to it, and stated to him that he would stop work upon the machine that Saturday night, when his contract of hiring expired, unless a belt shifter was placed on the machine; and that his superior, who represented the employer, assured him that a belt shifter would be put upon the machine the first part of the following week, and that the employee continued to work upon the machine solely in reliance upon that promise, does not render the employer liable—it appearing that the accident happened before the expiration of the time within which the master promised that a belt shifter would be placed upon the machine.

Judge Spring dissented from the decision on the grounds set forth below:

“The doctrine of assumption of risks is contractual in its nature, and, of course, the parties by agreement can fix their relation. When the machinery is defective the master may not desire to shut down his plant, but prefer to take the hazard of an accident to one of his employees. He therefore says to him: ‘Go on and perform the work as you have done before and in a few days when there is a lull in the business I will remedy the defect.’ The servant assents to this and is injured because of the defect, and within the time stipulated for making the repairs. It is no more than fair that upon a state of facts like this that the servant should be relieved from assuming the risks by implication imposed upon him when the danger is obvious. The only reasonable interpretation that can be put upon the promise of the defendant’s manager is that it was expected to shift the liability to the defendant. Unless this is true the promise of the defendant is meaningless and does not inure at all to the benefit of the plaintiff. The master gets his work done, keeps his machinery moving upon the strength of his promise, and still if injury occurs the plaintiff cannot recover, if the doctrine of the prevailing opinion is true, because he knew of the existence of the defect. The duty is imposed upon the defendant to provide reasonably safe machinery. That is the basic principle of these cases. He becomes aware that he has failed to do this. Notwithstanding this increased peril, he urges his servant to continue work on this dangerous machinery, promising to repair it within a definite time, and it is just he should stand the consequences. In an arrangement

of this kind the defendant, by reason of greater ability, greater contact with men and more experience, has, in the vernacular of the farm, the long end of the evenner, and should be held to the legitimate consequences which flow from the promise he has made."

NEGLIGENCE—ASSUMPTION OF RISK.—In *Di Pietro v. Empire Portland Cement Co.*, the Appellate Division, Fourth Department, at the March term, unanimously reversed the judgment of the trial court (verdict of \$1,500 damages) and ordered a new trial. The case is summarized as follows in the official reports (70 App. Div. 501):

In an action brought to recover damages resulting from the death of the plaintiff's intestate, it appeared that, while two workmen in the defendant's cement mill were engaged in removing belts from a broken shaft, the intestate, who was employed in another department of the mill, where his duties were not at all dangerous, volunteered to assist them. Thirteen feet above the floor of the mill was a scaffolding, consisting of two planks, one ten inches wide and the other twelve inches wide, the twelve-inch plank being placed on top. These planks extended close to some shafting and some unguarded cogwheels. This scaffold was not designed for employees to stand upon while removing belts, for which purpose the defendant had provided ladders. During the progress of the work the intestate got upon the scaffold and remained there notwithstanding the fact that the room was light enough to enable him to see the proximity of the shafting and cogwheels and that he was notified by his companions that the scaffolding was a dangerous place. After the work of removing the belts was completed it was discovered that the intestate had been crushed to death beneath the cogwheels. No one saw just how the accident occurred or what was the cause thereof.

Held, that the danger of working upon the scaffold while the machinery was in motion was obvious to the intestate and that he assumed the risk incident thereto, and that a judgment entered upon a verdict in favor of the plaintiff should be reversed.

SUPERINTENDENT'S NEGLIGENCE THAT OF A CO-SERVANT.—A master who intrusts the work of removing, by the use of dynamite, hardened refuse material from the base of a blast furnace stack to a competent and experienced servant, and who directs another servant, who knows that dynamite is being used but who has had no experience in the use thereof, to assist in the work, and neglects to inform such inexperienced servant that the work is dangerous, is not liable for injuries sustained by the inexperienced servant from the premature explosion of the dynamite, caused solely by the negligent and careless action of the experienced servant in attempting to tamp the dynamite with an iron rod instead of a wooden one

when he might have had either. * * * The fact that the master's superintendent saw that the dynamite was being tamped with an iron rod and negligently permitted the use of such a rod to continue does not render the master liable, as the superintendent's negligence in that regard related to a detail of the work as to which the superintendent and the injured servant were fellow-servants. (Appeal from a verdict of \$2,500 damages awarded by a jury in Erie county to the heirs of the employee killed in the manner described. The Appellate Division, Fourth Department, at the January term, unanimously set aside the verdict and ordered a new trial. *O'Brien v. Buffalo Furnace Co.*, 68 App. Div. 451.)

NEGLIGENCE.—William White was employed by the West Shore Railroad as a flagman and track walker in the vicinity of Storm King on the Hudson river. On the afternoon of December 4, 1898, White left his home at Cornwall to go to work as the night flagman and was never again seen alive. The night was a very stormy one and the next day the shanty provided for the use of the flagman while awaiting trains to be signaled was found in the river. Six months later, July 25, 1899, the corpse of a man was found in the river at West Point, two or three miles distant from the shanty. The body could not be identified from its physical traits, but the clothing was sufficiently identified to warrant the inference that the corpse was that of the missing flagman. White's widow sued the company for damages on the ground of negligence, because the flagman's shanty had not been adequately secured; but the Supreme Court, at the Orange County trial term, dismissed the complaint on the ground that the plaintiff had not proved that White was in the shanty when it was blown into the river, whereas it appeared from the evidence that on the night of the storm the wind was strong enough to have blown a man into the river while he was engaged in patrolling the track. The Appellate Division, Second Department, at the January term unanimously affirmed the judgment of the Supreme Court, holding that the complaint was properly dismissed, as a finding that White was in the shanty when it was blown into the river would be based upon mere speculation. (*White v. N. Y. Central & H. R. R. Co.*, 68 App. Div. 209.)

NEGLIGENCE—HIRING OF A HOISTER AND LIABILITY FOR MISTAKE OF THE ENGINEER.—Subcontractors at work in the erection of a building who, for the purpose of transporting their materials, hire

during a portion of each day a hod-hoister erected and controlled by another contractor, and operated by his engineer, are not liable to one of their own employees who sustains injuries in consequence of the engineer's failure to stop the hoister at the top floor of the building, as he had been directed to do by the employee, and in consequence of the fact that the hoister was not fitted with appliances which would prevent it from ascending beyond the top floor, especially where it appears that the hod-hoister in question was the only one in the building and that there was nothing to indicate that it was unsafe, and it does not appear that the subcontractors could have built such an elevator in the building or that it was their duty to furnish their employees with a machine to distribute the material used by them. (*Duffy v. Williams*, 71 App. Div. 110, in which the Appellate Division, First Department, at the April term, with one dissenting voice, affirmed judgment in favor of the defendants.)

NEW YORK LABOR LAWS OF 1902.

Permitting Legislative Regulation of the Conditions of Labor Upon Public Work of Municipalities.

CONCURRENT RESOLUTION

Of the Senate and Assembly proposing amendment to article twelve, section one of the constitution, relating to organization of cities.

Resolved, That the following amendment to the Constitution be agreed to and referred to the legislature to be chosen at the next general election of senators: Section one, article twelve of the Constitution is hereby amended to read as follows: It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations; *and the legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the state or by any county, city, town, village or other civil division of the state, or by any contractor or sub-contractor performing work, labor or services for the state, or for any county, city, town, village or other civil division thereof.**

Unauthorized Use of Genuine Union Labels.

CHAP. 88.

AN ACT to amend the labor law relative to the unauthorized use, or display of genuine labels.†

Section 1. Section sixteen of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven entitled, "An act in relation to labor, constituting chapter thirty-two of the general laws" is hereby amended to read as follows:

§ 16. **Penalty for illegal use of labels, et cetera; injunction proceedings.**—A person manufacturing, using, displaying or keeping for sale a counterfeit or colorable imitation of a device so adopted and filed, or goods bearing the same, *or who shall use or display a genuine device, so adopted and filed, without authority from or in a manner not authorized by the owner thereof,* shall be subject to a penalty of two hundred dollars, to be recovered in an action brought in a court of competent jurisdiction by the person, union or association aggrieved; one-half of which penalty, when recovered, shall be paid to the plaintiff and one-half to the overseer of the poor of the town or to an officer having like power of the city, wherein the person aggrieved resides, *or union or association is located* for the benefit of the poor of such town or city. After filing copies of such device such union or association may [commence] *also maintain* an action to enjoin the manufacture, use, display or sale of counterfeit or colorable imitations of such device, or of goods bearing the same, *or the unauthorized use or display of*

* Matter in italics is new.

† Brackets enclose old matter omitted; italics indicate new matter.

such device, or of goods bearing the same, and the court may restrain such wrongful manufacture, use, display or sale, and every unauthorized use or display by others of the genuine devices so registered and filed, if such use or display is not authorized by the owner thereof, and may award to the plaintiff such damages resulting from such wrongful manufacture, use, display or sale as may be proved, together with the profits derived therefrom.

§ 2. This act shall take effect immediately.

[Became a law March 5, 1902, with the approval of the Governor.]

Public Libraries.

CHAP. 185.

AN ACT to amend the University Law, as to the establishment and support of public and free libraries.*

Section 1. Section thirty-six of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, entitled "An act to revise and consolidate the laws relating to the university of the state of New York," as amended by chapter eight hundred and fifty-nine of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 36. **Establishment.**—By majority vote at any election, any city, village, town, school district, or other body authorized to levy and collect taxes, or by vote of its common council, or by action of a board of estimate and apportionment or other proper authority, any city, or by vote of its trustees, any village, may establish and maintain a free public library, with or without branches, either by itself or in connection with any other body authorized to maintain such library. Whenever twenty-five taxpayers shall so petition, the question of providing library facilities shall be voted on at the next election or meeting at which taxes may be voted, provided that due public notice shall have been given of the proposed action. *A municipality or district named in this section may raise money by tax to establish and maintain a public library, or libraries, or to provide a building or rooms for its or their use, or to share the cost as agreed with other municipal or district bodies, or to pay for library privileges under a contract therefor. It may also acquire real or personal property for library purposes by gift, grant, devise or condemnation, and may take, buy, sell, hold and transfer either real or personal property and administer the same for public library purposes. By majority vote at any election any municipality or district or by three-fourths vote of its council, any city may accept gifts, grants, devises or bequests for public library purposes on condition that a specified annual appropriation shall thereafter be made for maintenance of such library or libraries. Such acceptance, when approved by the regents of the university under seal and recorded in its book of charters, and in a school not subject to their visitation when approved by the state superintendent of public instruction, shall be a binding contract, and such municipality and district shall levy and collect yearly the amount provided in the manner prescribed for other taxes.*

§ 2. This act shall take effect immediately. [Approved March 19, 1902.]

* Matter italicized is new.

Employment of Aliens Upon Public Works.

CHAP. 454.

AN ACT to amend the labor law, relative to the employment of labor on public works.

Section 1. Section thirteen of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended to read as follows:

§ 13. **Preference in employment of persons upon public works.**—In the construction of public works by the state or a municipality, or by persons contracting with the state or such municipality, only citizens of the United States shall be employed; and in all cases where laborers are employed on any such public works, preference shall be given citizens of the state of New York. In each contract for the construction of public works a provision shall be inserted, to the effect that if the provisions of this section are not complied with, the contract shall be void. *On and after May first, nineteen hundred and two, all boards, officers, agents or employees of cities of the first class of the state, having the power to enter into contracts which provide for the expenditure of public money on public works shall file in the office of the commissioner of labor the names and addresses of all contractors holding contracts with said cities of the state. Upon the letting of new contracts the names and addresses of such new contractors shall likewise be filed. Upon the demand of the commissioner of labor a contractor shall furnish a list of the names and addresses of all sub-contractors in his employ. Each contractor performing work for any city of the first class, shall keep a list of his employees, in which it shall be set forth whether they are naturalized or native born citizens of the United States, together with, in case of naturalization, the date of naturalization and the name of the court where such naturalization was granted. Such lists and records shall be open to the inspection of the commissioner of labor. A violation of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than thirty nor more than ninety days, or by both such fine and imprisonment.**

§ 2. This act shall take effect immediately. [Approved April 10, 1902.]

Procedure in Suits for Wages in New York City.

CHAP. 580.

AN ACT in relation to the municipal court of the city of New York, its officers and marshals.†

§ 44. **Where employee is party.**—When an action is brought by an employee against an employer for services performed by such employee, male or female, the clerk of said municipal court in the district in which the action is brought, shall issue a free summons when the plaintiff's demand is less than fifty dollars and the plaintiff is a resident of the city of New York, and proof by the plaintiff's own affidavit that he has a good and

* Matter italicized is new.

† This act is virtually a municipal code of procedure for New York City. It is made up from the Greater New York charter, the Consolidation Act of 1882 and the Code of Civil Procedure.

meritorious cause of action and of the nature of such action and of said plaintiff's residence, and whether previous application therefor has been made, shall be duly presented to and filed with the clerk of the municipal court where such action shall be brought and he shall not demand or receive any fee whatsoever from the plaintiff or his agents or attorneys in such action, unless the plaintiff shall demand a trial jury, in which case the plaintiff must pay to the clerk of the municipal court where such action shall be pending the sum of four dollars and fifty cents.*

§ 274. **Judgment in favor of wage earners.**—In an action brought in the municipal court, by a journeyman, laborer, or other employee whose employment answered to the general description of wage earner, for services rendered or wages earned in such capacity, if the plaintiff recovers a judgment for a sum not exceeding fifty dollars, exclusive of costs, and the action shall have been brought within one month after the cause of action accrued, no property of the defendant is exempt from levy and sale by virtue of an execution against property, issued thereupon; and, if such an execution is returned wholly or partly unsatisfied, the clerk must, upon the application of the plaintiff, issue an execution against the person of the defendant for the sum remaining uncollected, if the indorsement required by this act to the effect that defendant was liable to arrest was complied with. A defendant arrested by virtue of an execution so issued against his person, must be actually confined in the jail, and is not entitled to the liberties thereof; but he must be discharged after having been so confined for fifteen days. After his discharge another execution against his person cannot be issued upon the judgment, but the judgment creditor may enforce the judgment against property as if the execution, from which the judgment debtor is discharged, has been returned, without his being taken.†

§ 340. **Costs in action by working woman.**—In an action brought to recover a sum of money for wages earned by a female employee, other than a domestic servant; or for material furnished by such an employee, in the course of her employment, or in or about the subject-matter thereof, or for both, the plaintiff, if entitled to costs, recovers the sum of ten dollars as costs, in addition to the costs allowed in this court, unless the amount of damages recovered is less than ten dollars; in which case, the plaintiff recovers the sum of five dollars as such additional costs. When the employee is the plaintiff in such an action, she is entitled upon a settlement thereof, to the full amount of costs, which she would have recovered, if judgment had been rendered in her favor, for the sum received by her upon the settlement.‡

§ 348. **Employee's action; no fees.**—When the action is brought by an employee against an employer for services performed by such employee, male or female, the clerks of this court shall not demand or receive any fees whatsoever from the plaintiff or his agents or attorneys in such action, if the plaintiff shall present proof by his own affidavit that his

* Taken from chap. 387, Laws of 1887, and subdivision 9, section 1416 of the Consolidation Act (chap. 410, Laws of 1892).

† From section 1405 of the Consolidation Act, which, however, applied only to female wage-earners.

‡ Section 1424 of the Consolidation Act unchanged.

demand is less than fifty dollars, that he is a resident of the city of New York, that he has a good and meritorious cause of action against the defendant, and the nature thereof; that he has made either a written or a personal demand upon the defendant or his agent or representative for payment thereof, and that payment was refused. Except that if the plaintiff shall demand a trial by jury, he must pay to the clerk the fees therefor prescribed in this act.*

[Accepted by the city. Became a law, with the approval of the Governor, April 14, 1902.]

Permitting the Eight Hour Day on Reservoir Construction in New York City.

CHAP. 588.

AN ACT relative to the powers of the aqueduct commissioners, provided for and holding office under and pursuant to the provisions of chapter four hundred and ninety of the laws of eighteen hundred and eighty-three, and its amendments.

Section 1. The aqueduct commissioners, provided for and holding office under and pursuant to the provisions of an act of the legislature of the state of New York, entitled "An act to provide new reservoirs, dams and a new aqueduct with the appurtenances thereto, for the purpose of supplying the city of New York with an increased supply of pure and wholesome water," said act being chapter four hundred and ninety of the laws of eighteen hundred and eighty-three, and its amendments, are hereby authorized and empowered to agree with any person, firm or corporation with whom they have contracted or may hereafter contract, upon such terms and conditions as shall in their judgment and discretion, be for the best interests of the city of New York, that eight hours shall constitute a day's work for all laborers employed by said person, firm or corporation in the performance of his or its contract and that no laborer employed in the performance of any such contract shall be required, permitted, or allowed to work more than eight hours. No agreement made under the provisions of this act shall be valid or binding until the same has been approved by the board of estimate and apportionment of the city of New York.

§ 2. This act shall take effect immediately.

[Accepted by the city. Became a law, with the approval of the Governor, April 14, 1902.]

The Employers' Liability Law.

CHAP. 600.

AN ACT to extend and regulate the liability of employers to make compensation for personal injuries suffered by employees.

Section 1. Where, after this act takes effect, personal injury is caused to an employee who is himself in the exercise of due care and diligence at the time:

1. By reason of any defect in the condition of the ways, works or machinery connected with or used in the business of the employer which arose from or had not been discovered or remedied owing to the negli-

* REVISER'S NOTE.—This provision is taken from section 1416 of the Consolidation Act, rearranged, and from the Second Class Cities Act of 1898.

gence of the employer or of any person in the service of the employer and entrusted by him with the duty of seeing that the ways, works or machinery were in proper condition;

2. By reason of the negligence of any person in the service of the employer entrusted with and exercising superintendence whose sole or principal duty is that of superintendence, or in the absence of such superintendent, of any person acting as superintendent with the authority or consent of such employer; the employee, or in case the injury results in death, the executor or administrator of a deceased employee who has left him surviving a husband, wife or next of kin, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer nor engaged in his work. The provisions of law relating to actions for causing death by negligence, so far as the same are consistent with this act, shall apply to an action brought by an executor or administrator of a deceased employee suing under the provisions of this act.

§ 2. No action for recovery of compensation for injury or death under this act shall be maintained unless notice of the time, place and cause of the injury is given to the employer within one hundred and twenty days and the action is commenced within one year after the occurrence of the accident causing the injury or death. The notice required by this section shall be in writing and signed by the person injured or by some one in his behalf, but if from physical or mental incapacity it is impossible for the person injured to give notice within the time provided in said section, he may give the same within ten days after such incapacity is removed. In case of his death without having given such notice, his executor or administrator may give such notice within sixty days after his appointment, but no notice under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place or cause of the injury if it be shown that there was no intention to mislead and that the party entitled to notice was not in fact misled thereby. The notice required by this section shall be served on the employer or if there is more than one employer, upon one of such employers, and may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served. The notice may be served by post by letter addressed to the person on whom it is to be served, at his last known place of residence or place of business and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation, notice shall be served by delivering the same or by sending it by post addressed to the office or principal place of business of such corporation.

§ 3. An employee by entering upon or continuing in the service of the employer shall be presumed to have assented to the necessary risks of the occupation or employment and no others. The necessary risks of the occupation or employment shall, in all cases arising after this act takes effect be considered as including those risks, and those only, inherent in the nature of the business which remain after the employer has exercised due care in providing for the safety of his employees, and has complied

with the laws affecting or regulating such business or occupation for the greater safety of such employees. In an action maintained for the recovery of damages for personal injuries to an employee received after this act takes effect, owing to any cause for which the employer would otherwise be liable, the fact that the employee continued in the service of the employer in the same place and course of employment after the discovery by such employee, or after he had been informed of, the danger of personal injury therefrom, shall not, as a matter of law, be considered as an assent by such employee to the existence or continuance of such risks of personal injury therefrom, or as negligence contributing to such injury. The question whether the employee understood and assumed the risk of such injury, or was guilty of contributory negligence, by his continuance in the same place and course of employment with knowledge of the risk of injury shall be one of fact, subject to the usual powers of the court in a proper case to set aside a verdict rendered contrary to the evidence. An employee, or his legal representative, shall not be entitled under this act to any right of compensation or remedy against the employer in any case where such employee knew of the defect or negligence which caused the injury and failed, within a reasonable time, to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer who had intrusted to him some general superintendence, unless it shall appear on the trial that such defect or negligence was known to such employer, or superior person, prior to such injuries to the employee.

§ 4. An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries, for which compensation may be recovered under this act, or to any relief society or benefit fund created under the laws of this state, may prove in mitigation of damages recoverable by an employee under this act such proportion of the pecuniary benefit which has been received by such employee from such fund or society on account of such contribution of employer, as the contribution of such employer to such fund or society bears to the whole contribution thereto.

§ 5. Every existing right of action for negligence or to recover damages for injuries resulting in death is continued and nothing in this act contained shall be construed as limiting any such right of action, nor shall the failure to give the notice provided for in section two of this act be a bar to the maintenance of a suit upon any such existing right of action.

§ 6. This act shall take effect July first, nineteen hundred and two.

[Approved April 15, 1902.]

APPENDIX.

TABLES.

FOR THE THREE MONTHS JANUARY, FEBRUARY AND MARCH, 1902.

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TABLE I.—EMPLOYMENT AND IDLENESS

[First:

INDUSTRY AND TRADE.	Sex.	MEMBERS WHO WORKED—				Total number reporting.	Average number days worked.
		1-29 days.	30-59 days.	60-79 days.	80 days or more.		
1. Building, Etc.....	M	5,100	20,472	25,621	1,128	52,321	56
Stone working.....	M	277	2,147	2,000	80	4,514	59
Building and paving trades..	M	4,075	16,835	18,017	574	39,001	54
Building and street labor....	M	748	1,990	5,544	524	8,806	64
2. Clothing and Textiles.....	M	170	10,966	16,170	125	27,431	61
	F	1,117	8,893	50	4,060		65
	M	100	10,518	12,289	125	23,032	60
Garments.....	F	1,114	1,777		2,691		60
Hats, caps and furs.....	M		110	1,071		1,251	66
	F	70			60	60	90
Boots, shoes, gloves.....	M		260	1,924		2,184	71
	F		3	446		449	76
Shirts, waists and laundry....	M		49	825		874	71
	F			670		670	76
Textiles.....	M		29	61		90	66
3. Metals, Machinery, Etc.....	M	204	951	14,598	3,384	19,582	76
	F			60		60	76
	M	93	169	7,713	343	8,318	74
Iron and steel.....	F			60		60	76
Other metals.....	M	75	96	2,416	6	2,593	72
Engineers and firemen.....	M	5	517	3,385	3,410	7,317	82
Shipbuilding.....	M	31	169	1,079	75	1,354	68
4. Transportation.....	M	87	2,969	4,424	4,415	11,845	70
	F				5	5	90
Railroads.....	M	7	89	396	2,367	2,859	84
	F				5	5	90
Street railways.....	M			3,150		3,160	65
Coach drivers, etc.....	M				788	788	90
Seamen, pilots, etc.....	M				1,200	1,200	90
Freight h'd'l'rs, truckmen, etc.	M	30	2,880	878	60	3,848	55
5. Printing, Binding, Etc.....	M	95	247	14,689	420	15,451	71
	F	3	27	575		605	74
6. Tobacco.....	M		426	4,675		5,101	68
	F		141	1,909		2,060	69
7. Food and Liquors.....	M	67	130	3,950	1,008	5,155	75
Food preparation.....	M	65	123	2,155	147	2,490	75
Malt liquors, mineral waters..	M	2	7	1,795	861	2,665	76
8. Theaters and Music.....	M		288	4,026	682	4,941	72
	F			1,606	39	1,645	71
9. Wood W'k'g and Furniture	M	31	1,839	4,553	6	5,979	69
	F			25		25	76
10. Restaurants, Retail Trade.	M	7	195	1,299	449	1,950	75
	F		12	115		127	74
Hotels and restaurants.....	M	7	167	161	449	604	75
Retail trade.....	M		8	1,138		1,146	76
	F		12	115		130	74
11. Public Employment.....	M	5	215	2,580	4,513	7,313	82
12. Miscellaneous.....	M		6	1026	60	1,092	75
Glass.....	M		6	292		298	75
Barbering.....	M			180		180	76
Other distinct trades.....	M			554	60	614	75
GRAND TOTAL.....	M	5,716	38,249	97,606	16,590	158,161	65
	F	3	1,297	7,076	92	8,468	65
	T	5,719	39,546	104,682	16,682	166,629	66

(a) NEW YORK CITY.

Quarter, 1902.]

IDLENESS DURING EN-TIRE QUARTER.			IDLENESS AT THE END OF THE QUARTER.							
Members reporting.	Number thereof idle.	Per cent idle.	Members reporting.	Number thereof idle.	Per cent idle.	CAUSES OF IDLENESS.				
						Slack trade.	Weather or lack of materials.	Strike or lock-out.	Sick-ness, old age.	Other reasons.
57,316	4,581	8.0	57,316	12,667	22.1	9,902	1,814	440	247	252
4,544	190	2.8	4,544	1,077	23.2	670	898	9	219	252
43,726	4,411	10.1	43,726	10,628	24.3	8,654	1,081	440	219	252
8,946	40	0.5	8,946	962	10.9	578	855	19	19	10
29,408	1,967	6.7	29,408	6,011	20.4	5,237	124	112	536	2
4,512	158	3.6	4,512	790	18.8	590	124	100	100	100
24,886	1,854	7.4	24,886	5,512	22.1	4,878	124	100	515	100
3,045	159	5.0	3,045	590	19.4	490	100	100	100	100
1,851	100	7.4	1,851	114	8.4	100	6	8	8	8
50	12	0.5	50	182	6.0	50	70	12	12	12
2,201	1	0.1	2,201	203	22.2	200	1	2	2	2
449	1	0.1	449	200	22.9	200	1	2	2	2
875	1	0.1	875	200	22.9	200	1	2	2	2
670	1	0.1	670	200	22.9	200	1	2	2	2
90	1	0.1	90	50	55.6	14	86	1	1	1
20,009	112	0.6	19,714	754	3.8	522	49	41	109	32
50	29	0.3	50	291	3.5	213	16	44	18	18
8,947	35	1.2	8,947	99	3.2	25	8	41	15	10
50	15	0.2	50	209	3.8	184	15	20	4	1
2,947	33	2.4	2,947	155	11.2	100	25	30	30	30
7,328	465	3.8	7,328	1,209	10.1	708	35	102	358	6
1,887	3	1.6	1,887	91	3.1	13	63	15	15	15
12,864	46	1.6	12,864	315	10.0	315	50	12	35	35
3	97	11.0	3	885	17.2	150	35	27	208	6
2,950	250	17.2	2,950	456	12.9	180	35	27	208	6
3	72	1.8	3	44	6.9	37	23	51	312	92
3,150	35	5.5	3,150	286	5.5	182	15	89	89	89
885	68	2.9	885	149	7.1	120	15	89	89	89
1,450	222	4.1	1,450	277	7.0	292	27	58	58	58
8,929	125	4.8	8,929	263	10.1	179	26	58	58	58
16,021	97	3.5	16,021	114	4.1	113	1	1	1	1
640	240	4.6	640	480	9.3	478	2	2	2	2
5,172	117	7.0	5,172	117	7.0	117	2	2	2	2
2,782	297	4.7	2,782	854	13.6	787	9	43	7	9
5,181	70	3.5	5,181	118	5.6	81	10	17	5	5
1,668	51	6.0	1,668	130	9.2	130	10	16	5	5
6,276	19	1.6	6,276	27	2.3	26	1	1	1	1
25	130	9.2	25	130	9.2	130	1	1	1	1
2,022	810	4.1	2,022	407	5.3	6	250	141	10	10
130	7	0.6	130	9	0.8	8	2	7	7	7
857	2	0.7	857	4	1.3	4	2	2	2	2
1,165	5	0.8	1,165	5	0.8	5	5	5	5	5
130	5	0.8	130	5	0.8	5	5	5	5	5
7,623	9,497	5.6	7,623	24,776	14.8	15,328	2,320	653	1,626	823
1,099	366	4.1	1,099	1,118	12.6	976	138	138	138	138
800	8,834	5.6	800	25,888	14.7	20,302	2,320	653	1,758	823
180	9,863	5.6	180	25,888	14.7	20,302	2,320	653	1,758	823
619			619							
168,363	9,497	5.6	168,363	24,776	14.8	15,328	2,320	653	1,626	823
8,834	366	4.1	8,834	1,118	12.6	976	138	138	138	138
177,197	9,863	5.6	177,197	25,888	14.7	20,302	2,320	653	1,758	823

TABLE I.—EMPLOYMENT AND IDLENESS:

[First

INDUSTRY AND TRADE.	Sex.	MEMBERS WHO WORKED—				Total number reporting.	Average number of days worked.
		1-29 days.	30-59 days.	60-79 days.	80 days or more.		
1. Building, Etc.	M	2,722	5,296	11,971	111	20,100	58
Stone working	M	216	214	88	.....	518	35
Brick and cement making ..	M	285	6	28	86	855	28
Building and paving trades ..	M	1,918	4,867	11,829	74	18,178	56
Building and street labor	M	308	219	526	1	1,054	47
2. Clothing and Textiles.....	M	188	389	4,178	158	4,871	71
.....	F	28	136	3,099	.....	3,267	72
Garments	M	117	280	1,121	142	1,660	66
.....	F	29	66	1,781	.....	1,865	72
Hats, caps and furs	M	80	64	283	.....	877	62
.....	F	.....	.....	99	.....	99	43
Boots, shoes, gloves	M	.....	.....	1,580	16	1,576	76
.....	F	1	66	666	.....	612	71
Shirts, waists and laundry ...	M	.....	5	366	.....	866	71
.....	F	.....	14	85	.....	99	67
Textiles	M	11	33	854	.....	898	74
.....	F	.....	.....	678	.....	678	75
3. Metals, Machinery, Etc....	M	389	684	12,502	1,938	15,453	74
Iron and steel	M	44	545	10,573	1,103	12,261	73
Other metals	M	86	21	418	2	477	70
Engineers and firemen	M	309	60	1,125	795	2,289	71
Shipbuilding	M	.....	8	386	28	422	73
4. Transportation	M	306	661	7,415	3,184	16,566	80
Railroads	M	41	479	5,449	7,105	13,168	81
Street railways	M	7	11	225	658	901	83
Coach drivers, etc.	M	25	.....	25	361	411	85
Seamen, pilots, etc.	M	.....	.....	.....	.....	.....	.....
Freight b'd's, truckmen, etc.	M	168	171	1,722	.....	2,066	68
5. Printing, Binding, Etc....	M	12	143	3,032	127	3,314	73
.....	F	9	1	169	.....	169	73
6. Tobacco	M	16	191	3,283	.....	3,490	71
.....	F	.....	6	189	.....	195	71
7. Food and Liquors.....	M	11	63	3,482	602	4,258	75
Food preparation	M	9	25	1,791	8	1,823	75
Malt liquors, mineral waters.	M	2	38	1,791	594	2,425	73
8. Theaters and Music.....	M	66	199	650	.....	915	65
.....	F	1	3	6	.....	9	54
9. Wood W'k'g and Furniture	M	3	97	1,963	12	2,075	73
10. Restaurants & Retail Trade	M	50	8	3,543	279	3,875	77
.....	F	.....	1	161	.....	169	76
Hotels and restaurants	M	46	1	2,077	8	2,127	76
Retail trade	M	4	2	1,406	276	1,748	78
.....	F	.....	1	161	.....	169	76
11. Public Employment.....	M	2	30	53	1,082	1,167	89
.....	F	.....	.....	5	4	9	5
12. Miscellaneous	M	187	452	4,263	345	5,247	72
Glass	M	7	89	321	.....	807	71
Barbering	M	4	6	1,613	.....	1,623	76
Other distinct trades	M	124	85	1,130	189	1,526	73
Mixed employment	M	52	322	1,199	156	1,729	68
GRAND TOTAL	M	3,922	8,151	56,420	12,928	81,381	71
.....	F	20	146	3,658	4	3,794	79
.....	T	3,942	8,297	59,988	12,932	85,065	71

(b) THE STATE OUTSIDE OF NEW YORK CITY.

Quarter, 1902.]

IDLENESS DURING ENTIRE QUARTER.			IDLENESS AT THE END OF THE QUARTER.								
Members reporting.	Number thereof idle.	Per cent idle.	Member reporting.	Number thereof idle.	Per cent idle.	CAUSES OF IDLENESS.					
						Slack trade.	Weather or lack of materials.	Strike or lock-out.	Sick-ness, old age.	Other reasons.	Reason not stated.
22,086	1,531	6.9	22,186	3,986	17.8	2,149	1,277	119	211	136	44
855	274	32.0	876	461	52.6	237	181	.....	12	31	.....
570	120	21.1	570	147	25.8	107	40	.....	.....	.....	.....
19,519	1,019	5.4	19,718	2,992	15.2	1,635	962	49	197	105	44
1,142	88	7.7	972	336	34.6	170	94	70	2	.....	.....
4,957	96	1.7	5,058	201	4.0	97	32	.....	15	57	.....
3,167	16	.6	3,333	87	2.6	25	30	.....	20	12	.....
1,673	13	.8	1,673	94	5.6	35	20	.....	9	33	.....
1,759	10	.6	1,830	55	2.9	5	30	.....	18	7	.....
423	46	10.9	423	51	12.1	46	.....	.....	5	.....	.....
112	.....	.....	112	.....	.....	.....	.....	.....	.....	.....	.....
1,598	17	1.1	1,598	17	1.1	1	.....	.....	.....	16	.....
617	5	.8	617	5	.8	.....	.....	.....	.....	5	.....
365	5	1.4	397	5	1.3	5	.....	.....	.....	.....	.....
300	1	1.0	300	1	1.0	.....	.....	.....	1	.....	.....
908	5	.6	972	34	3.5	10	12	.....	4	8	.....
578	.....	.....	623	26	4.2	20	.....	.....	6	.....	.....
16,608	1,126	6.8	16,689	1,408	8.4	108	1,079	28	112	84	2
12,534	247	2.0	12,815	472	3.7	50	234	9	108	71	.....
483	6	1.2	483	85	7.2	.....	10	19	.....	6	.....
3,167	571	27.5	3,167	891	28.1	53	827	.....	2	7	2
424	2	.5	424	10	2.4	.....	8	.....	2	.....	.....
20,658	2,612	12.5	20,787	3,990	19.2	242	2,309	194	182	62	.....
14,400	166	1.2	14,400	270	2.0	77	.....	.....	149	44	.....
958	57	5.9	958	78	8.1	5	.....	49	20	4	.....
456	.....	.....	456	25	5.5	25	.....	.....	.....	.....	.....
1,700	1,700	100.0	1,700	1,700	100.0	.....	1,700	.....	.....	.....	.....
4,144	1,689	40.8	4,323	1,917	45.4	136	1,609	145	13	14	.....
3,352	38	.1	3,364	99	2.9	66	.....	.....	22	9	2
163	1	.6	164	6	3.7	4	.....	.....	2	.....	.....
3,584	44	1.2	3,584	129	3.7	76	2	.....	21	27	2
137	5	1.6	137	8	5.8	6	.....	.....	2	.....	.....
4,453	195	4.4	4,476	306	6.9	160	63	.....	37	46	.....
1,920	87	4.5	1,925	131	6.9	22	55	.....	19	35	.....
2,583	106	4.3	2,551	174	6.8	137	8	.....	18	11	.....
987	72	7.3	1,020	131	12.8	124	.....	7	.....	.....	.....
9	.....	.....	9	.....	.....	.....	.....	.....	.....	.....	.....
2,186	49	2.2	2,214	139	6.3	60	5	45	21	8	.....
4,541	103	2.3	4,614	163	3.5	125	.....	.....	12	16	10
162	.....	.....	162	5	1.8	2	.....	.....	1	.....	.....
2,303	76	3.4	2,276	129	5.7	97	.....	.....	7	15	10
2,338	27	1.2	2,324	34	1.5	28	.....	.....	6	1	.....
162	.....	.....	162	3	1.9	2	.....	.....	1	.....	.....
1,192	1	.1	1,192	28	2.3	.....	.....	24	4	.....	.....
9	.....	.....	9	.....	.....	.....	.....	.....	.....	.....	.....
5,315	42	7.1	5,491	188	3.4	115	42	.....	20	7	4
406	39	9.6	406	55	13.5	31	15	.....	4	5	.....
1,632	1	.1	1,646	16	1.0	12	.....	.....	2	1	.....
1,548	2	.1	1,710	18	1.1	6	2	.....	6	.....	4
1,729	.....	.....	1,729	99	5.7	66	23	.....	7	1	.....
80,869	6,894	7.7	80,525	10,718	11.8	3,318	5,809	417	657	452	65
3,647	19	.6	3,613	104	2.7	37	30	.....	25	12	.....
93,516	6,913	7.4	94,338	10,822	11.5	3,355	5,839	417	682	464	65

TABLE I.—EMPLOYMENT AND
[First

INDUSTRY AND TRADE.	Sex.	MEMBERS WHO WORKED—				Total number reporting.	Average number days worked.
		1-29 days.	30-59 days.	60-79 days.	80 days or more.		
1. Building, Etc.....	M	7,822	25,766	37,592	1,229	72,421	56
Stone working.....	M	498	2,361	2,148	30	5,032	57
Brick and cement making.....	M	285	6	28	26	335	28
Building and paving trades.....	M	5,988	21,192	29,246	648	57,174	55
Building and street labor.....	M	1,056	2,309	6,070	525	9,860	62
2. Clothing and Textiles.....	M	328	11,348	20,848	283	32,802	62
.....	F	23	1,852	4,922	50	7,517	63
Garments.....	M	217	10,798	18,411	267	29,692	60
.....	F	22	1,180	3,553	.....	4,760	65
Hats, caps and furs.....	M	100	174	1,854	.....	1,628	68
.....	F	.....	.....	22	50	149	72
Boots, shoes, gloves.....	M	.....	280	3,484	16	2,760	72
.....	F	1	58	1,004	.....	1,061	73
Shirts, waists and laundry.....	M	.....	54	1,180	.....	1,234	71
.....	F	.....	14	755	.....	769	72
Textiles.....	M	11	62	915	.....	988	72
.....	F	.....	.....	578	.....	578	75
3. Metals, Machinery, Etc.....	M	598	1,595	27,095	5,762	35,055	72
.....	F	.....	.....	50	.....	50	75
Iron and steel.....	M	187	714	18,296	1,446	20,588	74
.....	F	.....	.....	50	.....	50	76
Other metals.....	M	111	117	2,624	8	3,070	71
Engineers and firemen.....	M	314	577	4,510	4,202	9,606	79
Shipbuilding.....	M	81	177	1,485	108	1,776	70
4. Transportation.....	M	848	3,030	11,829	12,599	28,411	76
.....	F	.....	.....	.....	3	3	79
Railroads.....	M	88	568	5,639	2,582	10,077	82
.....	F	.....	.....	.....	3	3	80
Street railways.....	M	7	11	3,875	688	4,051	66
Coach drivers, etc.....	M	25	.....	25	1,149	1,199	88
Seamen, pilots, etc.....	M	.....	.....	.....	1,200	1,200	80
Freight h'd'rs, truckmen, etc.....	M	223	3,051	2,600	60	5,934	59
5. Printing, Binding, Etc.....	M	107	390	17,721	547	18,765	72
.....	F	5	28	754	.....	767	74
6. Tobacco.....	M	16	617	7,958	.....	8,591	70
.....	F	.....	147	2,038	.....	2,185	69
7. Food and Liquors.....	M	78	198	7,532	1,610	9,418	75
Food preparation.....	M	74	148	3,946	155	4,223	75
Malt liquors, mineral waters.....	M	4	45	2,586	1,455	5,090	76
8. Theaters and Music.....	M	66	482	4,676	682	5,866	71
.....	F	1	3	1,511	39	1,554	71
9. Wood W'k'g and Furniture.....	M	34	1,436	6,516	18	8,054	70
.....	F	.....	.....	25	.....	25	76
10. Restaurants, Retail Trade.....	M	57	198	4,842	728	5,825	77
.....	F	.....	13	279	.....	292	75
Hotels and restaurants.....	M	53	188	2,288	452	2,981	75
Retail trade.....	M	4	10	2,604	276	2,894	78
.....	F	.....	13	279	.....	292	75
11. Public Employment.....	M	7	245	2,633	5,595	8,480	83
.....	F	.....	.....	5	4	9	83
12. Miscellaneous.....	M	187	458	5,289	405	6,339	72
Glass.....	M	7	45	613	.....	665	73
Barbering.....	M	4	6	1,798	.....	1,803	76
Other distinct trades.....	M	124	85	1,684	249	2,142	72
Mixed employment.....	M	52	322	1,199	156	1,729	68
GRAND TOTAL.....	M	9,628	46,400	164,086	29,418	239,492	67
.....	F	29	1,445	10,634	96	12,204	69
.....	T	9,667	47,843	164,670	29,514	251,694	67

IDLENESS: (c) THE ENTIRE STATE.

Quarter, 1902.]

IDLENESS DURING EN- TIRE QUARTER.			IDLENESS AT THE END OF THE QUARTER.								
Members report- ing.	Number thereof idle.	Per cent idle.	Members report- ing.	Number thereof idle.	Per cent idle.	CAUSES OF IDLENESS.					
						Slack trade.	Weather or lack of mate- rial.	Strike or look- out.	Sick- ness, old age.	Other reasons.	Reason not stated.
79,802	6,112	7.7	79,852	16,008	20.9	12,051	2,091	559	458	888	56
5,499	404	7.3	5,520	1,588	27.9	907	579	.....	21	81	.....
570	120	21.1	570	147	25.8	107	40	.....	.....	.....	.....
63,245	5,460	8.6	63,444	13,620	21.5	10,289	2,028	489	416	857	46
9,988	128	1.3	9,818	1,298	13.2	748	449	70	21	.....	10
84,880	2,058	6.0	84,461	6,212	18.1	5,834	156	112	551	59	.....
7,579	168	2.2	7,545	877	11.6	715	30	.....	180	18	.....
26,559	1,987	7.0	26,559	5,006	21.1	4,908	144	.....	521	33	.....
4,808	168	3.4	4,283	645	15.1	495	30	.....	113	7	.....
1,774	146	8.2	1,774	165	9.3	146	.....	6	13	.....	.....
163	.....	.....	163	.....	.....	.....	.....	.....	.....	.....	.....
3,794	29	0.8	3,794	149	3.9	51	.....	70	12	16	.....
1,066	6	0.6	1,066	6	0.6	.....	.....	.....	.....	6	.....
1,240	6	0.5	1,272	208	16.4	205	.....	.....	1	2	.....
770	1	0.1	770	201	26.1	200	.....	.....	1	.....	.....
998	5	0.5	1,062	84	7.9	24	12	36	4	8	.....
678	.....	.....	623	26	4.2	20	.....	.....	6	.....	.....
86,617	1,288	8.4	86,408	2,162	5.9	625	1,128	69	221	116	8
50	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....
20,881	276	1.3	20,962	763	3.6	263	250	9	152	89	.....
50	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....
3,430	41	1.2	3,120	184	4.3	25	18	60	15	16	.....
10,495	886	8.4	10,510	1,100	10.5	237	827	.....	22	11	3
1,811	35	1.9	1,811	165	9.1	100	38	.....	82	.....	.....
33,022	4,077	12.3	32,718	5,199	15.9	951	3,344	104	284	420	6
5	.....	.....	5	.....	.....	.....	.....	.....	.....	.....	.....
16,850	212	1.3	16,850	361	2.2	90	.....	.....	212	59	.....
5	.....	.....	5	.....	.....	.....	.....	.....	.....	.....	.....
4,108	57	1.4	4,108	393	9.6	320	.....	49	20	4	.....
1,841	97	7.2	1,841	122	9.1	75	.....	.....	13	35	.....
3,150	1,950	61.9	3,150	1,950	61.9	150	1,700	.....	.....	100	.....
8,073	1,761	21.8	7,767	2,873	30.6	816	1,644	145	40	232	6
19,973	1,203	6.0	19,985	1,708	8.5	1,197	28	51	384	101	2
803	36	4.5	804	50	6.2	41	.....	.....	5	.....	4
8,706	100	1.1	8,706	415	4.8	258	17	.....	110	27	8
2,249	64	2.8	2,249	157	7.0	126	.....	.....	51	.....	.....
9,880	417	4.2	9,853	683	6.9	452	68	.....	64	104	.....
4,585	212	4.7	4,540	395	8.7	202	55	.....	45	93	.....
5,295	205	3.9	5,313	288	5.4	250	8	.....	19	11	.....
6,168	812	5.1	6,201	611	9.9	602	.....	7	2	.....	.....
1,671	117	7.0	1,670	117	7.0	117	.....	.....	.....	.....	.....
8,462	346	4.1	8,490	993	11.7	847	5	54	63	15	9
26	.....	.....	25	.....	.....	.....	.....	.....	.....	.....	.....
6,563	173	2.6	6,686	276	4.2	206	10	.....	29	21	10
292	.....	.....	292	15	.....	14	.....	.....	1	.....	.....
3,060	127	4.2	3,133	215	6.9	152	10	.....	23	20	10
3,503	46	1.3	3,503	61	1.7	54	.....	.....	6	1	.....
292	.....	.....	292	15	5.1	14	.....	.....	1	.....	.....
8,815	311	3.5	8,815	435	4.9	6	250	24	145	10	.....
9	.....	.....	9	.....	.....	.....	.....	.....	.....	.....	.....
6,414	49	0.8	6,590	197	3.0	115	42	.....	2	14	4
708	41	5.8	706	59	8.4	31	15	.....	6	7	.....
1,812	1	0.1	1,826	16	0.9	12	.....	.....	3	1	.....
2,167	7	0.3	2,329	23	1.0	6	2	.....	6	5	4
1,729	.....	.....	1,729	99	5.7	68	25	.....	7	1	.....
258,232	16,891	6.3	258,208	55,494	13.7	22,644	8,129	1,070	2,288	1,275	98
12,481	383	3.1	12,647	1,816	9.6	1,013	30	.....	157	12	4
270,713	16,776	6.2	270,855	36,710	13.6	23,657	8,159	1,070	2,440	1,287	97

TABLE II.—QUARTERLY EARNINGS:

[First

GROUPS OF INDUSTRIES AND TRADES.	Sex.	NUMBER OF MEMBERS OF				
		\$1 to \$24.	\$25 to \$49.	\$50 to \$74.	\$75 to \$99.	\$100 to \$124.
I. Building, Stone Working, Etc	M	237	646	830	1,406	5,729
None working	M	22	30	175	50	200
Building and paving trades	M	215	562	561	1,356	4,768
Building and street labor	M	.....	54	94	.....	753
II. Clothing and Textiles	M	.....	340	924	7,072	4,881
Garments	F	.....	263	1,375	635	1,233
.....	M	.....	200	924	6,156	4,500
.....	F	.....	267	872	629	1,003
Hats, caps and furs	M	.....	70	.....	90	.....
.....	F	.....	.....	.....	.....	15
Boots, shoes, gloves, etc.	M	.....	70	.....	826	152
.....	F	.....	.....	405	6	.....
Shirts, waists and laundry	M	.....	.....	.....	.....	200
.....	F	.....	.....	.....	.....	280
Textiles	M	.....	.....	.....	.....	20
III. Metals, Machinery and Shipbuilding	M	10	.....	259	257	649
.....	F	.....	.....	.....	.....	.....
Iron and steel	M	10	.....	82	153	34
.....	F	.....	.....	.....	.....	.....
Other metals	M	.....	.....	153	81	5
Engineers and firemen	M	.....	.....	13	58	578
Shipbuilding	M	.....	.....	11	20	32
IV. Transportation	M	.....	7	27	957	4,952
.....	F	.....	.....	.....	.....	.....
Railroads	M	.....	7	2	2	41
.....	F	.....	.....	.....	.....	.....
Street railways	M	.....	.....	.....	.....	3,150
Coach drivers, etc.	M	.....	.....	.....	.....	.....
Seamen, pilots, etc	M	.....	.....	.....	900	.....
Freight handlers, truckmen, etc.	M	.....	.....	25	55	1,761
V. Printing, Binding, Etc	M	.....	.....	16	191	163
.....	F	.....	1	141	104	209
VI. Tobacco	M	.....	.....	640	644	1,268
.....	F	.....	6	280	63	501
VII. Food and Liquors	M	2	64	41	122	97
Food preparation	M	2	62	41	122	94
Malt liquors and mineral waters	M	.....	2	.....	.....	3
VIII. Theaters and Music	M	.....	23	.....	.....	422
.....	F	.....	.....	.....	16	6
IX. Wood Working and Furniture	M	.....	2	38	33	62
.....	F	.....	.....	.....	.....	25
X. Restaurants and Retail Trade	M	.....	.....	4	61	211
.....	F	.....	.....	60	70	.....
Hotels and restaurants	M	.....	.....	4	51	133
Retail trade	M	.....	.....	.....	.....	73
.....	F	.....	.....	60	70	.....
XI. Public Employment	M	.....	.....	5	50	.....
XII. Miscellaneous	M	.....	.....	.....	.....	219
Glass	M	.....	.....	.....	.....	.....
Barbering	M	.....	.....	.....	.....	31
Other distinct trades	M	.....	.....	.....	.....	188
GRAND TOTAL	M	249	10,82	2,774	10,788	18,644
.....	F	.....	267	1,766	783	1,979

(a) NEW YORK CITY.

Quarter, 1902.]

LABOR ORGANIZATIONS WHO EARNED—								Total number reporting earnings.	Average earnings.
\$125 to \$149.	\$150 to \$174.	\$175 to \$199.	\$200 to \$224.	\$225 to \$249.	\$250 to \$274.	\$275 to \$299.	\$300 or more.		
5,014	4,804	10,937	6,324	3,776	6,322	3,067	3,268	52,321	\$194 36
482	482	575	935	688	548	52	757	4,514	224 88
2,170	3,988	5,767	4,269	3,088	5,755	2,965	2,511	39,001	185 96
1,338	334	4,565	1,120	.....	19	.....	.....	8,806	171 65
2,811	4,255	3,354	443	1,782	963	272	434	27,431	139 45
675	122	55	.....	.....	.....	.....	.....	4,060	91 68
1,289	3,644	2,969	406	1,642	623	270	432	29,032	139 80
227	4	.....	.....	.....	.....	.....	.....	3,621	36 09
536	320	50	15	85	83	2	.....	1,251	154 17
80	15	.....	.....	.....	.....	.....	.....	50	135 00
932	90	85	20	5	2	.....	2	2,184	110 57
37	3	6	.....	.....	.....	.....	.....	449	70 38
89	165	120	.....	50	250	.....	.....	874	181 30
200	100	50	.....	.....	.....	.....	.....	670	125 85
15	36	10	.....	.....	.....	.....	.....	90	140 97
611	1,078	4,070	2,156	3,700	5,553	457	752	19,532	220 43
50	.....	.....	.....	.....	.....	.....	.....	50	130 00
353	509	2,523	1,380	1,330	1,141	318	.....	8,318	210 28
50	.....	.....	.....	.....	.....	.....	.....	50	130 00
179	296	642	305	587	236	22	87	2,593	197 75
20	265	725	350	1,059	3,492	117	615	7,317	238 12
59	8	175	141	224	634	.....	50	1,354	230 60
320	2,002	1,362	118	796	105	319	860	11,845	155 01
140	54	796	76	248	105	319	580	2,850	228 04
.....	3	.....	.....	.....	.....	.....	.....	3	150 00
.....	538	200	.....	50	.....	.....	.....	2,150	107 25
.....	.....	.....	.....	.....	.....	.....	.....	708	168 56
180	924	363	42	498	.....	.....	300	1,500	138 75
.....	.....	.....	.....	.....	.....	.....	.....	3,440	142 54
293	2,083	1,940	594	5,496	2,092	1,471	1,151	15,451	233 06
8	107	5	8	10	8	4	2	605	114 89
1,046	772	100	557	19	40	.....	15	5,101	129 69
223	975	5	.....	.....	.....	.....	.....	2,050	133 41
251	1,164	912	779	1,323	210	4	181	5,155	196 58
242	689	520	140	418	81	4	93	2,490	179 54
9	495	392	639	910	127	.....	88	2,665	212 50
87	242	88	200	63	12	.....	3,804	4,941	377 64
4	.....	.....	.....	11	.....	.....	1,508	1,645	462 69
253	623	2,700	885	561	427	18	378	5,979	203 23
.....	.....	.....	.....	.....	.....	.....	.....	25	101 53
10	808	641	37	120	35	18	15	1,950	170 75
.....	.....	.....	.....	.....	.....	.....	.....	130	70 55
.....	144	424	2	41	.....	.....	.....	504	164 27
10	664	217	35	79	35	18	15	1,146	172 48
.....	.....	.....	.....	.....	.....	.....	.....	130	70 55
323	861	1,466	1,724	2,481	200	.....	201	7,313	206 26
123	200	124	85	70	.....	.....	269	1,092	211 48
6	.....	9	33	50	.....	.....	200	298	328 83
29	170	.....	.....	.....	.....	.....	.....	180	145 97
90	80	115	52	20	.....	.....	69	614	173 73
11,146	18,844	27,612	13,902	20,192	15,959	5,596	11,378	158,161	\$198 32
863	1,207	63	8	21	8	4	1,510	3,463	171 08

TABLE II.—QUARTERLY EARNINGS:

[First

GROUPS OF INDUSTRIES AND TRADES.	Sex.	NUMBER OF MEMBERS OF				
		\$1 to \$24.	\$25 to \$49.	\$50 to \$74.	\$75 to \$99.	\$100 to \$124.
I. Building, Stone Working, Etc.	M	467	1,204	1,100	1,596	1,931
Stone working.....	M	76	54	76	87	29
Brick and cement making.....	M	59	226	.....	30	.....
Building and paving trades.....	M	219	724	867	1,423	1,743
Building and street labor.....	M	118	300	157	57	159
II. Clothing and Textiles	M	27	88	239	350	625
Garments.....	F	4	356	686	1,064	1,157
.....	M	7	76	220	193	373
.....	F	3	261	470	784	598
Hats, caps and furs.....	M	30	.....	10	20	23
.....	F	.....	.....	.....	70	.....
Boots, shoes, gloves, etc.....	M	.....	.....	.....	.....	35
.....	F	1	46	117	185	238
Shirts, waists and laundry.....	M	.....	1	7	4	124
.....	F	.....	14	4	38	42
Textiles.....	M	.....	11	2	133	71
.....	F	.....	15	35	43	485
III. Metals, Machinery and Shipbuilding	M	2	40	297	362	1,017
Iron and steel.....	M	2	26	53	332	929
Other metals.....	M	.....	5	33	7	9
Engineers and firemen.....	M	.....	9	311	15	64
Shipbuilding.....	M	.....	.....	.....	8	15
IV. Transportation	M	193	104	193	481	1,049
Railroads.....	M	1	53	97	338	491
Street railways.....	M	.....	7	10	11	81
Coach drivers, etc.....	M	25	.....	.....	.....	.....
Freight handlers, truckmen, etc.....	M	167	44	86	132	477
V. Printing, Binding, Etc.	M	1	5	19	104	211
.....	F	2	.....	84	30	25
VI. Tobacco	M	2	6	78	141	516
.....	F	.....	.....	5	40	53
VII. Food and Liquors	M	1	11	36	80	267
Food preparation.....	M	1	7	20	37	225
Malt liquors and mineral waters.....	M	.....	4	16	43	42
VIII. Theaters and Music	M	2	27	.....	10	99
.....	F	.....	.....	.....	.....	1
IX. Wood Working and Furniture	M	1	2	34	275	399
X. Restaurants and Retail Trade	M	4	11	42	99	533
Hotels and restaurants.....	F	.....	16	61	69	16
.....	M	.....	11	38	6	314
Retail trade.....	M	4	.....	4	93	519
.....	F	.....	16	61	69	16
XI. Public Employment	M	1	.....	4	22	6
.....	F	.....	.....	.....	.....	2
XII. Miscellaneous	M	.....	208	286	126	1,585
Glass.....	M	.....	.....	7	4	1
Barbering.....	M	.....	1	6	1	273
Other distinct trades.....	M	.....	110	17	5	281
Mixed employment.....	M	.....	97	256	116	1,031
GRAND TOTAL	M	711	1,706	2,428	3,646	8,538
.....	F	6	362	776	1,193	1,253

(b) THE STATE OUTSIDE OF NEW YORK CITY.

Quarter, 1902.]

LABOR ORGANIZATIONS WHO EARNED—								Total number reporting earnings.	Average earnings.
\$125 to \$149.	\$150 to \$174.	\$175 to \$199.	\$200 to \$224.	\$225 to \$249.	\$250 to \$274.	\$275 to \$299.	\$300 or more.		
1,887 83	4,629 36	3,058 36	1,995 5	1,621 56	552 3	44 13	16	20,100 518	\$149 48 107 73
1,543 261	4,483 106	3,021 1	1,990	1,565	549	81	16	18,173 1,054	49 71 150 23 86 20
590 46	1,922 54	571	111	204	71	24	39	4,871 3,457	146 09 35 70
112 19	185	211	67	114	41	24	38	1,690 1,669	137 40 76 51
6 109	141 9	13	40	63	30		1	377 39	162 67 109 97
7 356	1,171 25	242	4	15				1,576 612	156 36 82 63
	194	11		12				360 99	145 03 31 55
	231	94						898 578	137 60 107 14
982 673	3,010 2,333	4,802 4,011	2,260 1,885	1,458 1,064	686 573	197 119	290 263	15,453 12,265	188 48 185 95
120 137	55 588	149 476	8 213	57 292	34 79		27	477 2,289	172 19 170 58
	34	106	154	46				422	194 20
3,607 2,092	3,208 2,684	2,437 2,162	943 901	886 886	933 936	527 537	1,990 1,990	16,566 13,168	187 82 203 09
180 374	445	165	12		2			901 411	152 57 124 50
991	79	98	42					2,086	115 45
258 3	392 3	938 9	246	548 6	369 1	146	77	3,314 162	195 00 83 05
882 16	1,629 22	115	58	44	6	11	2	3,490 135	143 57 112 03
760 435	1,970 770	754 254	215 11	122 65	39 6	1 1	1	4,258 1,833	159 86 149 31
325	1,200	500	204	68	33			2,425	166 57
46 3	286 1	207 2		85	76	8	69 3	915 9	184 14 184 94
306	620	285	70	82	1			2,075	144 19
1,242	1,078	366	51	101	17	3	28	3,375 162	143 22 76 67
689 553	782 296	221 145	50 1	13 88	3 14		28	2,127 1,748	143 74 142 59
								162	76 67
7 3	49 1	36 2	509 1	51	455	9	18	1,167 9	221 49 144 17
1,427 15	965 3	127 1	70 7	103 15	40 6	67 67	243 241	5,247 367	143 60 385 98
884 407	383 498	66 58			10 24			1,623 1,528	137 52 140 84
121	81	2	25	88			2	1,729	104 50
11,944 70	19,758 61	13,696 13	6,528 1	5,306 6	3,250 1	1,047	2,773 3	81,881 3,734	\$166 26 86 74

TABLE II.—QUARTERLY EARNINGS:

[First

GROUPS OF INDUSTRIES AND TRADES.	Sex.	NUMBER OF MEMBERS OF				
		\$1 to \$24.	\$25 to \$49.	\$50 to \$71.	\$75 to \$99.	\$100 to \$124.
I. Building, Stone Working, Etc.....	M	704	1,850	1,930	3,002	7,651
Stone working.....	M	98	84	251	137	229
Brick and cement making	M	50	220	.....	30	.....
Building and paving trades	M	434	1,286	1,428	2,778	6,511
Building and street labor	M	118	254	251	57	911
II. Clothing and Textiles	M	37	428	1,163	7,422	5,506
.....	F	4	696	1,901	1,639	2,385
Garments	M	7	276	1,144	6,349	4,872
.....	F	3	621	1,342	1,253	1,395
Hats, caps, and furs	M	30	70	10	110	22
.....	F	.....	.....	.....	70	15
Boots, shoes, gloves, etc	M	.....	70	.....	826	167
.....	F	1	46	520	191	238
Shirts, waists and laundry	M	.....	1	7	4	324
.....	F	.....	14	4	32	262
Textiles.....	M	.....	11	2	133	100
.....	F	.....	15	35	45	485
III. Metals, Machinery and Shipbuilding	M	12	40	656	619	1,666
.....	F	.....	.....	.....	.....	.....
Iron and steel.....	M	12	28	135	485	663
.....	F	.....	.....	.....	.....	.....
Other metals.....	M	.....	5	186	26	14
Engineers and firemen.....	M	.....	9	324	68	642
Shipbuilding.....	M	.....	.....	11	28	47
IV. Transportation	M	193	111	220	1,438	6,001
.....	F	.....	.....	.....	.....	.....
Railroads	M	1	60	90	340	532
.....	F	.....	.....	.....	.....	.....
Street railways	M	.....	7	10	11	2,231
Coach drivers, etc.....	M	25	.....	.....	.....	.....
Seamen, pilots, etc	M	.....	.....	.....	900	.....
Freight handlers, truckmen, etc	M	167	44	171	187	2,238
V. Printing, Binding, Etc.....	M	1	5	25	295	374
.....	F	2	1	225	154	234
VI. Tobacco	M	2	6	718	785	1,784
.....	F	.....	6	265	98	563
VII. Food and Liquors	M	3	75	77	202	264
Food preparation	M	3	69	61	159	219
Malt liquors and mineral waters	M	.....	6	16	43	45
VIII. Theaters and Music	M	2	50	.....	10	321
.....	F	.....	.....	.....	16	7
IX. Wood Working and Furniture	M	1	4	62	308	461
.....	F	.....	.....	.....	.....	25
X. Restaurants and Retail Trade.....	M	4	11	46	150	1,044
.....	F	.....	16	121	159	16
Hotels and restaurants.....	M	.....	11	42	57	452
Retail trade.....	M	4	.....	4	93	502
.....	F	.....	16	121	159	16
XI. Public Employment.....	M	1	.....	9	72	6
.....	F	.....	.....	.....	.....	2
XII. Miscellaneous	M	.....	208	286	126	1,864
Glass	M	.....	.....	7	4	1
Barbering.....	M	.....	1	6	1	263
Other distinct trades.....	M	.....	110	17	6	469
Mixed employment	M	.....	97	256	116	1,031
GRAND TOTAL	M	960	2,788	5,302	14,429	27,132
.....	F	6	619	2,652	1,976	5,232

(c) THE ENTIRE STATE.

Quarter, 1902.]

LABOR ORGANIZATIONS WHO EARNED—								Total number reporting earnings.	Average earnings.
\$125 to \$149.	\$150 to \$174.	\$175 to \$199.	\$200 to \$224.	\$225 to \$249.	\$250 to \$274.	\$275 to \$299.	\$300 or more.		
6,901 83	9,488 518	12,995 575	8,819 940	5,397 744	6,874 851	2,081 65	2,284 757	72,421	\$181 89
4,719 2,099	8,471 440	8,758 4,596	6,259 1,120	4,653	6,304 19	3,016	2,537	5,082 355 57,174 9,800	212 82 49 71 183 83 163 51
2,401 621 1,351 248 542 40	6,177 156 3,929 4 461 24	3,825 55 3,200 63	554 475	1,980 1,756	1,024 699	296 294	478 470	32,302 7,317 24,982 4,760 1,628 149	140 46 89 09 189 64 57 33 156 14 118 57
1,041 32 96 507 871	1,261 22 28 100 267	827 5 131 80 104	24	20 62	2		2	3,760 1,061 1,234 769 968 578	128 77 80 30 170 72 127 31 187 91 107 14
1,543 60 1,028 60 290 157 59	4,988 2,842 351 853 42	8,872 6,539 791 1,301 341	4,416 2,245 313 563 295	5,158 2,884 614 1,351 269	6,239 1,714 320 2,571 634	654 437 22 198	1,072 263 87 672 50	35,025 60 20,583 50 3,070 9,606 1,776	204 13 120 00 156 78 130 00 198 78 222 03 221 95
2,927 2,232 180 374	5,210 3 3,234 8 445 538	3,799 2,961 163 212	1,061 977	1,682 1,134 50	1,043 1,041 2	856 856	2,870 2,570	28,411 3 10,027 3 4,051 1,199 1,200 5,634	174 15 160 00 208 03 160 00 117 33 153 14 138 75 133 02
1,141 551 10 1,928 241	1,008 2,427 110 2,401 907	461 2,887 12 215 5	84 840 8 615	496 6,044 16 63		1,617 2,461 9 46	1,228 1,228 2 11	18,765 767 8,591 2,185	226 34 109 22 135 23 128 09
1,011 677 334	3,124 1,439 1,695	1,666 774 892	994 151 842	1,451 483 908	249 89 180	5 5	182 94 88	9,412 4,323 8,090	179 74 166 33 190 62
133 7	528 1	295 2	200	148 11	88	8	2,878 1,520	5,856 1,554	247 40 461 08
559	1,248	2,994	935	648	423	18	278	8,054 25	188 02 101 33
1,252 689 561	1,886 926 960	1,007 615 362	88 52 36	221 54 167	52 3 49	21 21	43 43	5,825 292 2,931 2,594 292	152 44 78 79 150 47 154 43 75 79
332 3	910 1	1,502 2	2,233 1	2,532	655	9	219	8,480 9	208 36 144 17
1,552 21 912 497 121	1,165 3 503 578 81	251 10 66 173 2	155 40 90 25	172 65 108	40 6 24	67 67 71	512 441	6,339 665 1,803 2,142 1,729	155 30 349 33 138 42 150 27 104 50
22,090 332	38,602 1,268	41,308 76	20,430 9	25,498 27	19,299 9	6,643 4	14,151 1,512	239,492 12,202	\$184 12 145 27

TABLE III.—NUMBER AND MEMBERSHIPS OF UNION, MARCH 31, 1902.

GROUPS OF INDUSTRIES AND TRADES.	NUMBER OF UNIONS.			Sex.	MEMBERSHIP OF UNIONS.		
	New York City.	Other towns.	New York State.		New York City.	Other towns.	New York State.
1. Building, Etc.....	174	859	532	M	57,216	22,704	79,920
Stone working.....	11	24	35	M	4,644	1,009	5,653
Brick and cement making.....	8	8	8	M	.....	570	570
Building and paving trades.....	142	308	450	M	43,726	19,963	63,709
Building and street labor.....	21	19	40	M	8,846	1,142	9,988
2. Clothing and Textiles.....	62	93	155	M	29,452	5,096	34,549
Garments.....	41	38	79	F	4,719	3,358	7,570
Hats, caps and furs.....	7	6	13	M	24,934	1,673	26,608
Boots, shoes, gloves, etc.....	10	15	25	F	5,045	1,380	4,927
Shirts, waists and laundry.....	3	14	17	M	1,851	423	1,774
Textiles.....	1	20	21	F	50	115	165
3. Metals, Machinery, Etc.....	94	231	325	M	20,024	17,327	37,351
Iron and steel.....	36	168	204	F	8,847	13,227	21,574
Other metals.....	19	15	34	M	60	.....	60
Engineers and firemen.....	29	43	72	M	2,947	483	2,430
Shipbuilding.....	10	5	15	M	7,343	2,193	10,536
4. Transportation.....	43	211	254	M	1,337	424	1,811
Railroads.....	20	142	162	F	12,364	21,968	34,332
Street railways.....	1	7	8	M	3	.....	3
Coach drivers, etc.....	4	5	9	F	2,959	14,223	17,173
Seamen, pilots, etc.....	2	1	3	M	3	.....	3
Freight handlers, truckmen, etc.....	16	56	72	M	3,150	958	4,108
5. Printing, Binding, Etc.....	31	71	102	M	885	456	1,341
6. Tobacco.....	14	45	59	M	1,450	1,700	3,150
7. Food and Liquors.....	37	88	125	F	3,929	4,681	8,560
Food preparation.....	24	41	65	M	16,621	3,403	20,024
Malt liquors, mineral waters.....	13	47	60	F	640	166	805
8. Theaters and Music.....	13	27	40	M	5,172	2,588	8,760
9. Wood Working and Furniture..	30	39	69	F	2,112	187	2,249
10. Restaurants and Retail Trade..	16	71	87	M	5,377	4,501	9,878
Hotels and restaurants.....	8	29	37	M	2,015	1,939	4,554
Retail trade.....	8	42	50	M	2,762	2,563	5,324
11. Public Employment.....	18	63	81	M	3,681	2,199	10,880
12. Miscellaneous.....	11	89	100	F	1,668	40	1,708
Glass.....	3	12	15	M	6,276	2,233	8,509
Barbering.....	2	32	34	F	25	.....	25
Other distinct trades.....	6	30	36	M	2,022	4,781	6,783
Mixed employment.....	.....	15	15	F	130	152	222
GRAND TOTAL.....	543	1,887	1,930	M	171,928	95,317	267,245
				F	8,834	3,871	12,705
				T	180,762	99,188	279,950

BUREAU OF FACTORY INSPECTION—FIRST QUARTER, 1902.

Table IV.—Work of Deputy Factory Inspectors.

	January.	February.	March.	Total.
Factories inspected	1,462	1,380	185	2,927
Tenement workshops (front)	145	29	426	600
Tenement workshops (rear)	185	59	840	584
Bakeries and confectionery establishments	121	170	46	337
Total factory inspections	1,863	1,638	947	4,448
Mines and quarries .....	.....	5	2	7
Tenement workrooms	611	621	6,533	7,765
Unlicensed places found	76	27	86	189
License applications investigated	1,375	938	1,851	4,164
License applications re-investigated	130	75	88	293
License refusals investigated	152	141	200	493
Tagging cases	36	22	16	74
Places found closed, burned, removed, etc.:				
Factories and workshops	19	17	264	300
Tenement workrooms	203	223	2,784	3,212
License applicants	161	99	151	411
Prosecutions .....	.....	1	6	7
Complaints investigated	36	18	39	93
Compliance with orders investigated	35	80	34	149
Accidents investigated	3	5	.....	8

Table V.—Licenses for Tenement Manufacture.

	N. Y. City.	Remainder of State	Total.
Applications for license investigated	4,050	114	4,164
Number of licenses issued:			
To applicants not previously licensed	2,704	118	2,822
To persons previously licensed but removed, etc.	940	47	987
Total	3,644	165	3,809
Number of licenses refused	532	10	542
Number of licenses revoked	262	.....	262
Licenses returned upon change of residence	3,705	34	3,739
Licenses returned upon cessation of work	90	33	123
Total licenses outstanding December 31, 1901	22,337	8,826	31,213
Net increase, January-March, 1902	*418	98	*315
Outstanding March 31, 1902	21,974	8,924	30,898

* Decrease.

Table VI.—Contagious Diseases in Licensed Tenement Workrooms.

MONTH	NUMBER OF CASES IN LICENSED WORK-ROOMS OF—			Total.
	Diphtheria.	Scarlet fever.	Smallpox.	
October, 1901	5	1	19	25
November, 1901	3	6	.....	9
December, 1901 .....	.....	4	.....	4
January, 1902	6	4	8	18
February, 1902	8	2	24	34
Total—Five months	22	17	51	90

Table VII.—Accidents Reported

		I. Stone and clay products.	II. Metals, hardware, machinery, ship- building.	III. Wood.	IV. Leather, rubber, etc.
A. SEX AND AGE OF EMPLOYEES INJURED.					
Males .	Under 15 years .....	.....	.....	3	1
	15 and under 16 .....	.....	5	1	.....
	16 and under 18 .....	.....	33	7	.....
	18 and over	21	313	22	11
	Age not stated .....	.....	9	.....	.....
Total		21	358	33	12
Females	Under 16 .....	.....	.....	.....	.....
	16 years and over .....	.....	5	.....	1
	Age not stated .....	.....	.....	.....	.....
Total .....		.....	5	.....	1
Grand total		21	363	33	13
B. CAUSES OF ACCIDENTS.					
1. Machinery :					
Gearing, belts, shafting, pulleys, etc. ....		.....	18	.....	1
Elevators, hoists, cranes		2	18	.....	1
Saws, planers, lathes (power)		1	27	19	.....
Presses, stamping machines .....		.....	34	1	2
Emery wheels, buffers .....		.....	12	.....	.....
Cotton and woolen machines .....		.....	.....	.....	.....
Other machines and machine tools .....		.....	82	1	4
Total machinery		3	191	21	8
2. Other causes :					
Hand tools (axes, saws, hammers, etc.)		1	7	1	.....
Explosives of all kinds .....		.....	2	6	.....
Hot liquids, acids, steam, molten metal, etc. ....		.....	21	1	.....
Collapse of building, falling objects, etc.		11	78	3	1
Fall of person .....		.....	28	1	1
Loading, unloading, by hand		1	15	.....	1
Vehicles, and accidents caused by horses		3	11	.....	1
All other		2	10	.....	1
Grand total		21	363	33	13
C. RESULTS OF ACCIDENTS					
1. Temporary disablement :					
Lacerations		5	70	2	3
Burns, scalds, etc. ....		.....	24	6	.....
Cuts		5	87	12	1
Bruises		5	72	5	2
Sprains and dislocations		3	16	.....	.....
Fractures		1	21	3	2
Other .....		.....	15	.....	1
Total		19	305	28	10
2. Permanent disablement :					
Loss of one—		.....	.....	.....	.....
Partial	Eye .....	.....	2	.....	.....
	Limb .....	.....	1	.....	.....
	Hand or foot	1	1	.....	1
	Other	1	35	3	1
Loss of both—		.....	.....	.....	.....
Total	Eyes .....	.....	.....	.....	.....
	Limbs .....	.....	.....	.....	.....
	Hands or feet .....	.....	3	.....	.....
	Internal injuries .....	.....	.....	.....	.....
Total		2	42	3	2
3. Death .....		.....	11	2	1
4. Not reported .....		.....	5	.....	.....
Grand total		21	363	33	13

in the First Quarter, 1902.

V.	VI.	VII.	VIII.	IX.	X.	XI.	XII.	Total.
Chemicals, oils, paints.	Paper and pulp.	Printing and paper goods.	Textiles.	Clothing, millinery, laundrying.	Food, tobacco, liquors.	Water, gas, electricity.	Building.	
.....	.....	.....	8	.....	.....	.....	.....	7
.....	1	1	8	2	.....	.....	.....	13
.....	2	4	14	8	.....	.....	.....	62
66	44	7	39	5	8	3	1	539
4	.....	.....	1	.....	.....	.....	.....	14
70	47	19	60	10	8	3	1	636
.....	.....	.....	2	1	.....	.....	.....	3
.....	.....	1	26	3	1	.....	.....	37
.....	.....	1	1	.....	.....	.....	.....	2
.....	.....	2	29	4	1	.....	.....	49
70	47	14	89	14	9	3	1	677
.....
3	7	.....	6	1	1	1	.....	28
3	.....	.....	4	3	1	.....	.....	23
.....	1	1	3	.....	.....	.....	.....	52
1	1	5	.....	.....	.....	.....	.....	44
.....	.....	.....	.....	.....	.....	.....	.....	13
6	14	5	26	1	.....	.....	.....	27
.....	.....	.....	15	4	2	1	.....	134
13	23	11	54	9	4	2	.....	339
.....
10	1	1	2	.....	.....	.....	.....	23
.....	.....	.....	.....	.....	.....	.....	.....	8
9	1	.....	4	.....	.....	1	1	38
8	6	.....	1	.....	3	.....	.....	111
12	10	.....	11	5	1	.....	.....	69
2	.....	1	1	.....	.....	.....	.....	21
5	.....	.....	.....	.....	1	.....	.....	21
11	6	1	16	.....	.....	.....	.....	47
70	47	14	69	14	9	3	1	677
.....
6	8	4	16	3	1	.....	.....	118
10	1	.....	4	.....	.....	1	1	47
15	7	5	33	3	1	1	.....	170
24	16	4	15	.....	1	.....	.....	144
5	2	.....	4	3	.....	.....	.....	34
2	5	.....	4	.....	2	1	.....	41
6	3	.....	5	2	.....	.....	.....	32
68	43	13	81	11	5	3	1	586
.....
.....	.....	.....	1	.....	.....	.....	.....	2
.....	.....	.....	3	.....	1	.....	.....	2
1	2	1	3	2	.....	.....	.....	7
.....	.....	.....	.....	.....	.....	.....	.....	49
.....
.....	.....	.....	.....	.....	.....	.....	.....	8
.....
1	2	1	7	2	1	.....	.....	63
.....
1	3	.....	1	1	3	.....	.....	23
.....	.....	.....	.....	.....	.....	.....	.....	5
70	47	14	69	14	9	3	1	677

BUREAU OF MEDIATION
Table VIII.—Industrial Disputes

Locality.	Date.	Occupation.	Number of firms.	NUMBER OF
				Disputes.
A. Disputes begun in				
Albany.....	March 4-April 15.....	Blacksmiths.....	30	6
		Finishers.....	.....	1
		Helpers.....	.....	4
		Painters.....	.....	21
		Trimmers.....	.....	9
		Wood workers.....	.....	7
Buffalo.....	Jan. 2-7.....	Electricians.....	10	91
		Helpers.....	.....	58
Buffalo.....	Feb. 4-25.....	Sheet metal workers.....	1	24
Buffalo.....	Feb. 14-17.....	Lasters (shoe).....	*1	16
Buffalo.....	March 26-April 4.....	Bookbinders.....	1	10
		Pressmen.....	.....	10
Gloversville.....	Jan. 18-27.....	Glove cutters.....	1	11
Greenwich.....	Feb. 24-27.....	Line preparing room hands (flax)...	1	23
		Others.....	.....	.....
Hicksville.....	Mar. 17-31.....	Silver leaf and half gold cutters.....	6	46
Hornellsville.....	Mar. 26-May 22.....	Silk weavers.....	1	34
Medina.....	Feb. 26, Mar. 8.....	Iron molders.....	1	29
New York City...	January 15-April 21...	Bookbinders.....	10	102
New York City....	March 1-24.....	Stone masons.....	†1	500
New York City....	March 21-24.....	Machinists.....	1	5
		Tool makers.....	.....	7
		Boys.....	.....	13
New York City....	March 27.....	Weavers (silk).....	1	36
		Others.....	.....	50
New York City....	March 21-25.....	Hat frame makers.....	1	110
New York City....	February 27†.....	Telephone linemen.....	2	295
Schenectady.....	February 6-7.....	Bridgemen.....	1	24
		Laborers.....	.....	35
		Carpenters.....	.....	.....
Schuylerville.....	February 19-March 14	Paper makers.....	1	12
Total.....			71	1,589
B. Disputes begun before January 1 but				
Albany.....	Dec. 16, '01-Jan. 20, '02	Bridge builders.....	1	82
Little Falls.....	May 20, '01-March 3, '02	Machinists.....	1	10
Silver Creek.....	Oct. 19, '01-Nov. 12, '01	Machinists.....	1	35
		Molders.....	.....	.....
		Woodworkers.....	.....	.....
New York City	Dec. 26, '01-March 3, '02	Turn lasters.....	1	72
		Other shoe workers.....	.....	.....
Total.....			4	199
GRAND TOTAL.....			75	1,788

* Particulars for several other firms concerned in same strike not reported.
 at time of going to press. † Estimated.

† Stone Mason

AND ARBITRATION.
in First Quarter, 1902.

OF EMPLOYEES FFECTED—		Duration in days.	Aggre- gate days lost.	Alleged cause or object.	Result.
Indi- rectly.	Total.				
in First Quarter, 1902.					
..... 1	49	37	1,813	Refusal of employers to sign annual agreement containing clause prohibiting employment of non-union men.	No general settlement reported. Work resumed about April 15 with non-union men. Subsequently several firms acceded to union's demands and former employees resumed work.
..... 159	149 24 176	5 17 2	745 408 350	Demand for increase of wages..... Refusal to accept piece work; scale of wages alleged to involve reduction of wages. An anticipated reduction of wages.	No change in wages. Previous year's agreement renewed. No settlement reported. Part of the men returned to work, places of others being filled. No change in wages. Men returned to work.
..... 121 85	20 7 11 144 46 69	7 7 3 12 46	90 77 432 552 3,174	Refusal to work with non-union bookbinders and demand for union scale of wages. Pressmen struck in sympathy April 2. Demand for increase of wages..... Demand for 12½ per cent increase of wages. Demand for increase of wages..... Refusal to operate three looms instead of two at the same wage per hour.	Union shop and union rate of wages established. No change in wages. Strikers' places filled. Wages advanced 6 per cent. No change in wages. Girls returned to work. No settlement reported. New weavers employed on four looms, other men returning to work under three loom system.
.....					

Contractors' Association of Greater New York; number of members not reported. ; Not terminated

New York Labor Bulletin

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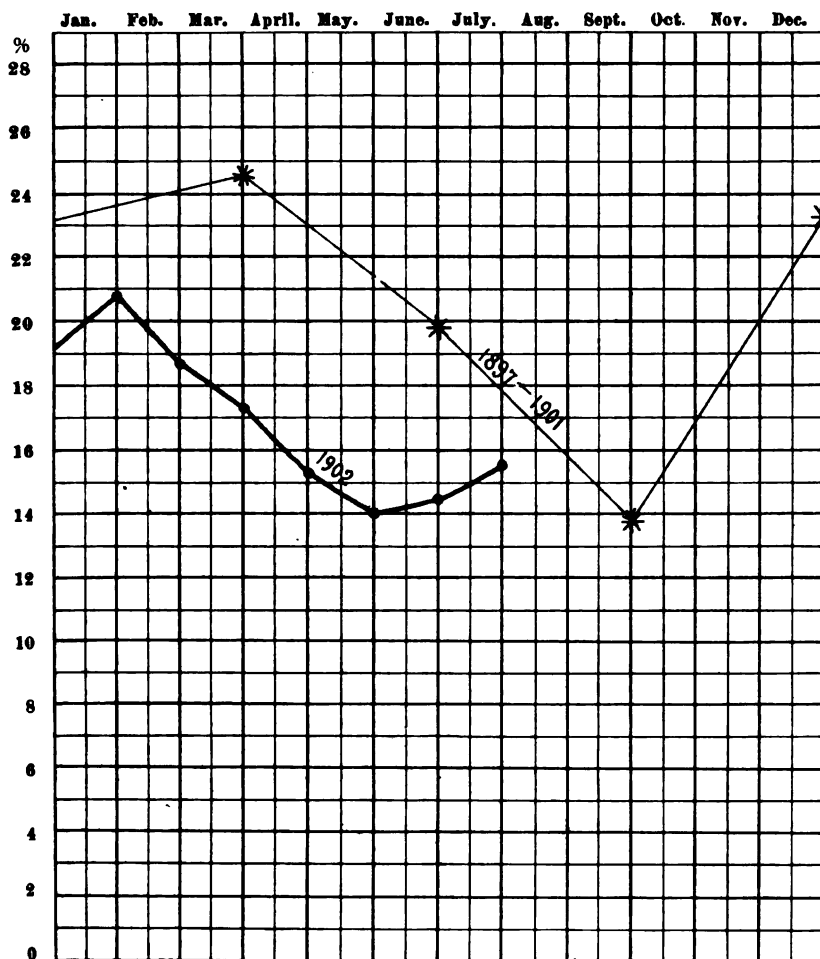
Vol. 4, No. 3.

ALBANY, Sept., 1902.

Whole No. 14.

EDITORIAL SUMMARY.

State of Employment. The accompanying chart exhibits graphically the fluctuations in employment of 100,000 members of 187 representative labor organizations in this State during



the first eight months of 1902. The heavy line starts at 19.1, the percentage of members idle at the end of 1901, rises to 20.9

at the end of January and then steadily declines to 14 per cent at the close of May. In June the proportion of idle members increases slightly (to 14.5 per cent) owing to summer dullness in printing and other trades, and in July it further increases to 15.6 per cent on account of the seasonal depression in the clothing trades. Comparisons with last year, when reports were received quarterly instead of monthly, can only be made for March and June; and in each case the comparison is favorable to the present year, the percentages of idleness having been 22.4 and 17.3 in March, 1901 and 1902, respectively, and 15.1 and 14.5 in June, 1901 and 1902. And as conditions of employment were more favorable last year than in any other year of the decade, with the possible exception of a few months in 1899, when the clothing trades were phenomenally active, it follows that the organized working people of this State are now enjoying more steady and regular employment than they have experienced for at least a decade. The inference may also be safely drawn that the unorganized wage-earners are equally prosperous. The light line in the diagram represents the mean percentage of idleness for the five years, 1897-1901, calculated upon the same basis as that for 1902, save only that it depends on statistics for four months (March, June, September and December).

Building Operations. The statistics of plans filed in the building departments of the larger cities do not measure the real activity in the constructive industry of late on account of the frequent changes in statutory requirements which cause the filing of plans to be hastened or retarded according to individual preference. Buffalo and Rochester show an increase in April, May and June of the present year as compared with 1901, while New York and Syracuse have decreases.

Immigration Surpasses All Records. A much more significant index of prosperity or depression is the inflow of new workers from Europe, who come to this country just about as rapidly as "jobs" open. During the twelve months ended June 30, 1902, the

number of immigrants recorded at the port of New York was close upon half a million (493,262),—a number which surpassed all previous figures of that port, although the total immigration at all ports of the United States was somewhat larger in 1881 and 1882 than in the fiscal year just closed. This unprecedented flocking of Europeans to New York must be directly ascribed to the marked prosperity of American industries in the last five or six years, for immigration has been steadily and rapidly increasing since 1897. Depression in European industries has doubtless been a contributory cause, as may be observed in the recent increase of emigration from Germany; but the bulk of the transatlantic migration to the United States still consists of Italians, Poles and Slavs, whose home industry has not experienced the hard times that have come upon Germany, and who have, therefore, been drawn to our shores simply by learning of the innumerable opportunities for employment that exist in America.

**Wages in
Germany.**

The attractive power of America for European workers may be realized in the light of recent wage statistics from Germany. For the administration of its workingmen's insurance system, the German government periodically ascertains the prevailing rate of wages of common labor in each locality. The determination of these rates for 1902 shows that the adult male laborer nowhere earns more than 87 cents a day (Bremen); in Berlin he receives only 72 cents. In the thirty-three principal cities he averages 68 cents; in the smaller cities he averages 52 cents and in the agricultural districts the rates range from 70 to 25 cents a day.

**Coal Miners'
Wages
in Belgium.**

In Belgium the prevailing wage of coal miners seems to be about one dollar. Of some 72,000 miners, 5,800 receive upwards of \$1.50 a day and nearly the same number under seventy cents a day, while 31,000 receive between \$1 and \$1.50. Almost exactly one-half of the miners are classed as earning one dollar or upwards.

**Industrial
Depression
in Europe.**

In both England and Germany the period of prosperity which began in 1895 culminated in 1900, and has since diminished. In Germany, speculation and overproduction in certain industries induced a financial crisis, which led to real business depression and a vast amount of unemployment; the rush of applicants for situations through the public intelligence agencies having attained abnormally large dimensions. A slight improvement has manifested itself this summer, but indications point to the presence of large masses of the unemployed in many German cities this winter. In England, the reaction in 1900 was less marked; but the number of trade unionists out of work has steadily increased, having been forty per one thousand members at the end of July, 1902, as compared with thirty-four at the corresponding date in 1901, and twenty-seven in 1900. Prices having declined, wages have followed in industries like mining wherein wages are regulated by sliding scales. Hence, notwithstanding advances in other trades, the changes in rates that have taken place in 1901 and 1902 have in the aggregate resulted in a net decrease.

**Trade
Disputes.**

The Bureau of Mediation and Arbitration recorded 60 fresh disputes in April, May and June, involving 480 firms and 23,500 workmen, who lost in the aggregate 301,000 days' work. The most frequent cause of strikes was a demand for an increase of wages and, secondly, for a reduction in working hours. About one-half of the disputes terminated in favor of the workmen, who may also be credited with partial victories in the numerous strikes that were compromised. Of the 21,500 strikers only 2,900 were entirely defeated; all the others gained ground to some extent. Within the last few weeks several of the building trades in New York City have made notable gains. The carpenters and joiners, cabinet-makers, machine wood workers, etc., gained their demands after strikes of a few days' duration in September; the carpenters and framers securing an advance from \$4 to \$4.50 per day, the stairbuilders from \$3.84 to \$4.50 and the shop workers from \$3 to \$3.78; the working time for all classes being 44 hours a week.

The painters and decorators at about the same time succeeded in effecting a reduction in their weekly hours of work from 47 to 44 and in securing an advance in wages of fifty cents a day, thus making the rate \$3.50 per day for plain work and \$4 for decorative painting.

**Other
Agreements.**

The plumbers and gas fitters of New York City also secured the Saturday half-holiday, and an increase in the daily wage rate from \$3.75 to \$4.25 for eight hours. These improvements were effected by an agreement between the unions and the association of master plumbers, on July 1st, without the cessation of work. An even more potent example of the benefits of organization, both to the working people and to the public that suffers from stoppage of work, is to be recognized in the successful termination of negotiations between the brotherhoods of engineers and firemen and the elevated railway in New York City, which has been installing electric motive power in place of steam and thus transformed its trainmen from engineers and firemen into motormen, who, being less skilled workmen, commonly receive lower wages. Thus on the surface roads in New York the motormen receive from \$2.25 to \$2.40 for ten hours' work, while on the elevated road the engineers for the past sixteen years have by written agreement received \$3.50 for nine hours' day. The company did not propose to displace its engineers, but to retain them as senior motormen without reduction of wages. A proposal to lengthen the daily hours of work from nine to ten met with opposition from the engineers and for a time there was some prospect of a general strike. But the national officers of the workmen's unions were called in and succeeded in adjusting the dispute satisfactorily; so that another instance is now afforded of the introduction of improved machinery without causing a deterioration of the standard of living of the workingmen immediately affected. Such examples are of the highest ethical importance to every industrial community.

**Factory
Inspection.**

In April, May and June the deputy factory inspectors inspected 9,495 factories, workshops and bakeries and 8,094 tenement workrooms, besides visiting 1,026 factories and 4,811 tenement workrooms that they found

closed, burned, removed, etc. They also inspected 3,957 tenement shops and rooms as preliminary to the granting of a license for tenement manufacture. The number of licenses issued was 3,762, nearly all being in New York City; licenses were refused to 408 applicants and 103 licenses were revoked for contravention of the law regulating tenement manufactures. The constant changes of residence going on among the denizens of New York tenement houses may be realized from the fact that in the three months 4,712 licenses were returned by reason of such changes. The total number of licensed places at the end of June was 29,702, which was a decrease of 1,183 in the quarter. In June the inspectors found 7 cases of diphtheria and 2 cases of scarlet fever in workrooms licensed for the manufacture of clothing, etc.

ACCIDENTS

Accidents. In the second quarter of 1902 the number of accidents reported to the Bureau of Factory Inspection was 968, as compared with 677 in the first quarter. The number of fatal injuries reported was only 14 as compared with 23 in the previous three months, which indicates that the increased number of all accidents reported was due rather to more careful attention in reporting minor injuries than to a real increase in the number of factory operatives injured. Almost the entire increase is in the metal-working and machine-building industries.

FACTORY LEGISLATION

Factory Legislation in England.

The BULLETIN contains an analysis of the new factory code which went into force in Great Britain at the beginning of the year. The most important amendments were those governing the issuance of regulations for the dangerous trades and the Saturday half-holiday of women and minors. The law had previously prohibited their employment in textile factories after one o'clock on Saturday; now they are not permitted to work after twelve o'clock, thus shortening the maximum working time from 56½ to 55½ hours a week. The wage-earners of New York State at a recent convention resolved to petition the Legislature to reduce the hours of labor of women and minors employed as factory operatives from 60 to 56 a week through the establishment of a Saturday half-holiday. In New Jersey the legal hours have for some time been 55 per week.

THE STATE OF EMPLOYMENT IN NEW YORK.

Returns from all labor organizations in the State, published in the June BULLETIN, showed that at the end of March the percentage of idleness was smaller than it had been in the corresponding period of any recent year, and similar returns, made monthly by 187 of the largest and most representative trade unions, reveal a continuous improvement to the first of June. In June, the summer dullness affected the printing and theatrical trades unfavorably, and in July extended to the clothing trades, which include so many workers that their idleness more than counterbalanced the improvement in that other large group of organized wage earners,—the building industry. The complete statistics appear in Tables I–IV of the Appendix, which may be summarized as follows:

TABLE 1.
IDLENESS IN 187 REPRESENTATIVE LABOR UNIONS.

AT THE END OF	Member- ship.	Members idle.	Per cent idle.
December (1901)	97,270	18,593	19.1
January (1902)	96,173	20,115	20.9
February	97,126	18,148	18.7
March	96,888	16,738	17.3
April	98,740	15,099	15.3
May	97,148	13,591	14.0
June	98,020	14,247	14.5
July	101,223	15,836	15.6

In order to have statistics of idleness that are comparable from month to month, it is necessary that the same organizations should furnish the reports; otherwise the dropping out of unions in certain trades and in certain towns and the addition of unions in other trades or localities, may vitiate all comparisons. The selected list of representative unions numbers about 187, but changes very slightly at times. Two or three unions have ceased to exist, and one or two have been added; but as the changes affect only the smaller unions they may be fairly discounted. The aggregate membership fluctuates slightly, but is now close to 100,000. A year ago in March the membership of such of these unions as existed and reported their idleness was only 80,576, and in June, 1901, was only 86,355.

Starting with 18,593, or 19.1 per cent of the members, in idleness at the end of December, the number rose to 20,115, or 20.9

per cent, at the end of January, mainly as a consequence of lessened activity in the building trades, which also characterized February. But in February the other great body of organized workers, the garment makers, particularly the branch devoted to the manufacture of ladies' suits and cloaks, were nearly all employed, so that the percentage of idleness, in the aggregate, declined. Thereafter idleness in the building trades steadily diminished and thus caused a decline in the aggregate until July, when summer dullness in the clothing trades once more caused a rise in the figures of unemployment, as may be seen below:

TABLE 2.
PERCENTAGE OF MEMBERS IDLE AT END OF

	Dec., 1901.	Jan., 1902.	Feb., 1902.	Mch., 1902.	April, 1902.	May, 1902.	June, 1902.	July, 1902.	Mean of the 8 mos.
1. Building, stone work- ing, etc.....	27.5	33.6	34.3	23.5	19.1	13.3	14.1	12.9	22.3
2. Clothing and textiles	24.2	19.2	5.4	21.4	27.6	29.1	23.3	34.3	23.7
3. Metals, machinery...	8.5	7.5	7.2	4.7	2.2	2.7	3.2	4.0	5.0
4. Transportation	18.4	23.7	26.2	20.3	8.8	15.9	14.6	8.0	17.0
5. Printing	8.8	12.2	12.9	14.7	13.2	9.2	12.9	13.6	12.2
6. Tobacco	14.6	4.4	4.3	4.7	8.8	4.6	4.6	4.5	6.3
7. Food and liquors....	9.3	8.2	7.5	8.0	8.4	5.2	5.4	11.2	7.9
8. Theaters and music.	10.3	13.4	13.0	9.6	5.2	0.2	17.5	29.0	12.3
9. Wood working, etc..	18.6	32.6	35.1	19.0	19.3	14.2	14.8	18.6	21.5
10. Restaurants, etc....	11.3	7.6	7.2	4.8	12.3	3.6	2.5	2.0	6.4
11. Public employment..	3.5	3.7	3.8	2.2	1.8	2.0	6.6	6.0	3.7
12. Miscellaneous	18.0	22.4	17.1	5.8	1.7	0.5	0.8	22.0	11.0
Total	19.1	20.9	18.7	17.3	15.3	14.0	14.5	15.6	16.9

The two groups of building and clothing industries contain just half of the 100,000 odd members of these 187 unions; which fact explains why the totals for all unions thus depend so closely upon fluctuations in the two leading industries.

Idleness is naturally much greater in certain occupations than in others; as appears in the last column of the above table, it ranged from 3.7 per cent in public employment to 23.7 per cent in the clothing and textile industries, both figures being the average of the eight months. Hence the difficulty of comparing unemployment in different communities or in different periods of time without taking account of the predominant occupations. The frequently quoted figures of the English Labor Gazette concerning unemployment in the British trade unions show for July an unemployed quota of only 4 per cent of the membership (21,859 out of 550,169 members reported by 222 unions). But in the British reports only two of the numerous building trades—

carpenters and plumbers—are represented at all; the clothing trades are poorly represented, while the real bulk of the membership in question is in the metal working and textile industries, wherein employment is fairly steady. Likewise in the returns of the Belgian labor bureau from trade unions in Ghent, more than one-half of the membership represented (9,513 out of 17,261 in 1900–01) is included in the organizations of textile workers, among whom idleness is, with a single exception (the clerks, foremen, etc.), less prevalent than in any other industry. The inevitable result is that the general figures of unemployment in Ghent are very low as compared with those for New York. The only proper comparison, of course, is by single trades or occupation.*

Similar considerations prevent a direct comparison between the monthly reports of these 187 selected unions and the quarterly reports from all unions. The selection of a few large organizations to represent a trade necessarily involves some disproportionate representation, as will appear in the following table:

TABLE 3.

GROUPS.	MEMBERSHIP		PROPORTION OF EACH TRADE IN TOTAL		Proportion of membership embraced in the 187 selected unions.
	All unions.	187 unions.	All unions.	187 unions.	
1. Building, stone working, etc....	79,920	23,440	23.6	29.4	35.6
2. Clothing and textiles.....	42,119	19,745	15.0	20.4	46.9
3. Metals, machinery, etc.....	37,401	11,123	13.4	11.4	29.7
4. Transportation	34,335	13,048	12.3	13.5	38.0
5. Printing	20,829	10,183	7.4	10.5	48.9
6. Tobacco	11,009	2,205	3.9	2.3	20.0
7. Food and liquors.....	9,878	3,326	3.5	3.4	33.7
8. Theaters and music.....	12,582	1,099	4.5	1.2	8.7
9. Wood working, etc	8,534	2,538	3.1	2.6	29.7
10. Restaurants, etc	7,045	2,062	2.5	2.1	29.3
11. Public employment	8,901	1,855	3.2	1.9	20.8
12. Miscellaneous	7,397	1,265	2.6	1.3	17.1
Total	279,950	96,883	100.0	100.0	34.6

On the average one-third (34.6 per cent) of the membership of New York labor unions is represented in the 187 unions that make monthly reports to the Bureau. But in the tobacco trades,

*Further differences of method may preclude even such restricted comparisons of individual trades. Thus the English "unemployed" are members of trade unions in receipt of out-of-work benefits; members not working because of a strike, sickness or accident, temporary lack of material, etc., do not therefore appear among the unemployed. As few American unions pay out-of-work benefits, such a test of enforced idleness is beyond the reach of American statisticians, even were it deemed desirable.

public employment and miscellaneous trades, this proportion sinks to one-fifth, while in the clothing and printing trades it rises to nearly one-half. The clothing trades are the ones subject to the greatest irregularities of employment and hence they make the amount of idleness in the 187 unions larger, proportionately, than it is at the same date in the 1,881 unions of the State. The difference in the two results at four dates for which comparison can be made is shown below:

TABLE 4.
PERCENTAGE OF UNION MEMBERS IDLE AT THE END OF

	DECEMBER, 1900.	MARCH, 1901.	JUNE, 1901.	MARCH, 1902.
In 187 selected unions.....	25.7	23.4	15.1	17.3
In all unions.....	22.0	18.5	11.9	13.6
Difference	3.7	3.9	3.2	3.7

On the whole, the difference between the two results is surprisingly uniform and it indicates with sufficient accuracy what degree of allowance needs to be made in comparing the idleness among the selected unions with that among all organizations, as is done below:

TABLE 5.
NUMBER AND PERCENTAGE OF THE UNEMPLOYED AT THE END OF
MARCH.

	MARCH.		JUNE.	
	Number idle.	Per cent idle.	Number idle.	Per cent idle.
A. All unions:				
1897	43,654	30.6	27,378	18.1
1898	37,857	21.0	35,643	20.7
1899	31,751	18.3	20,141	10.9
1900	44,336	20.0	49,399	20.6
1901	42,244	18.5	29,181	11.9
B. 187 selected unions:				
1901	18,066	22.4[18.5]	13,025	15.1[11.9]
1902	16,738	17.8[13.4]	14,247	14.5[11.3]

It is readily perceived from this table that employment was more general this year than in 1901, which was the best year recently recorded. The corrected figure of idleness at the end of June, 1902, is lower than that of any June since 1897, with the single exception of 1899, when the clothing trades had an exceptionally good season.

The following table shows that even in individual trades the percentage of idleness may vary as between all unions and a selected list of the larger unions:

TABLE 6.
PERCENTAGE OF MEMBERS IDLE AT THE END OF
MARCH.

	In all unions,				In 187 unions,				JUNE.			
	1899.	1900.	1901.	1902.	1899.	1900.	1901.	1902.	In all unions,	187 unions,	1901.	1902.
1. Building	35.1	33.0	27.2	20.9	23.5	10.0	24.0	12.2	14.1			
2. Clothing and textiles..	8.0	22.1	21.5	16.9	21.4	19.6	44.7	28.2	28.3			
3. Metals, machinery, etc	7.2	7.0	9.4	5.9	4.7	3.4	10.5	10.4	3.2			
4. Transportation	10.8	23.1	23.6	15.9	20.3	3.7	12.0	5.7	14.6			
5. Printing	8.1	7.5	8.2	8.5	14.7	6.8	8.0	9.2	12.9			
6. Tobacco	12.2	12.3	13.0	5.2	4.7	5.2	28.4	6.8	4.6			
7. Food and liquors.....	9.4	10.2	13.2	6.9	8.0	10.0	12.2	8.3	5.4			
8. Theaters and music...	14.9	8.2	9.5	9.2	9.6	49.9	26.4	16.2	17.5			
9. Wood working, etc....	14.1	11.3	13.3	11.7	19.0	19.3	21.0	11.0	14.8			
10. Restaurants, etc.....	18.3	7.0	9.6	4.2	4.8	12.1	4.7	2.9	2.5			
11. Public employment....	11.0	1.9	1.6	4.9	2.2	5.1	2.0	5.7	6.6			
12. Miscellaneous	2.6	6.2	17.9	3.0	5.8	9.6	10.1	8.3	0.8			
Total	18.3	20.0	18.5	13.6	17.3	10.9	20.6	11.9	14.5			

Returning to the present year, attention may be drawn to the general improvement manifested in nearly all trades with the approach of summer. Table II, and the derivative Table 2, show, for instance, that the number of unionists idle in the skilled building trades (masons, carpenters, plumbers, etc.) fell from 8,312 at the end of January to 3,491 at the end of July. The number was even smaller at the end of June, but considerable idleness among the stone cutters increased the percentage of idleness for the entire group at that date.

2. *Clothing and Textiles.*—Among the garment workers idleness decreased from December to January and at the end of February was inconsiderable (906 out of 17,000, or 5.4 per cent); thereafter it increased until at the end of July, out of the same number of members, 7,265 were idle. Among textile workers there was a very small amount of idleness after the first of April.

3. *Metals, Machinery and Shipbuilding.*—In this group there was very little idleness. Among the 7,000–7,500 iron and steel workers, for example, the proportion idle has only once exceeded two per cent. Among the engineers and firemen, considerable idleness existed in January, February and March, due to slack trade, unfavorable weather, etc., but thereafter disappeared.

4. *Transportation.*—On the railroads some little idleness has existed since April, on account of the anthracite coal strike which naturally affects the coal carrying roads of Southern New York. The relatively high percentage of idleness in the transportation group, however, is due to the inclusion of the large

lake seamen's union of Buffalo, who reported 2,800 of their 3,000 members as being idle at the end of January and February, when navigation was closed; although it is probable that many if not most of them found other work to do.

5. *Printing and Allied Trades*.—The statistics in this group are particularly trustworthy, as they are derived mainly from the large local union in New York City, which keeps an accurate record of its unemployed members. They have had throughout the year a considerable amount of idleness to deal with, partly due to sickness, etc., but in the main to lack of work.

6. *Tobacco Trades*.—Employment has been comparatively steady in these unions, the idleness having averaged about 4.5 per cent of the membership each month except in April, when there was a strike of the Syracuse cigar makers.

7. *Food and Liquors*.—The trades here represented are bakers, butchers, cooks and brewery workers. Idleness among the latter was much less than among those engaged in food preparation, although in July it rose to 10.6 per cent as compared with 3.7 per cent in June.

8. *Theaters and Music*.—Employment in these trades largely depends upon the season; the figures show a large percentage of unemployed in the summer months.

9. *Woodworking and Furniture*.—Slack trade explains the idleness among cabinet makers, upholsterers and other wood workers. Work brightened up after February.

10. *Restaurants and Retail Trade*.—Among waiters and bartenders lack of employment decreased each month, except in April. The idleness among clerks and salesmen was almost negligible throughout the year.

11. *Public Employment*.—Employment is always steady under public authorities and such idleness as exists is chiefly due to illness and other personal causes. In June and July, however, there was some lack of employment among the letter carriers of New York City, which caused an increase in the percentages of idleness.

12. *Miscellaneous Trades*.—Glass workers were regularly employed throughout the year until the close of the season in July, when the complete cessation of work caused the percentage of idleness for the entire group to rise. The large proportion of

idleness in the winter months is due to unemployment of day laborers in the mixed unions classed in this group.

Table III of the Appendix reveals the causes of idleness at the end of July and may be summarized as follows:

TABLE 7.
CAUSE OF IDLENESS AT THE END OF JULY.

	Number idle.	Percentage due to each cause.
Slack work	5,501	34.8
Weather, or lack of material.....	1,780	11.2
Strike or lockout.....	6,690	42.1
Sickness, old age, etc.....	1,281	8.1
Other reasons	480	3.1
Cause not stated.....	104	.7
	<hr/> 15,836	<hr/> 100.0

The large proportion of idleness due to trade disputes is not at all representative of general conditions, as 6,124 of the 6,690 unionists idle for this reason belonged to the garment workers' unions. In the clothing trades the periodical adjustments of prices for the new season cause some disputes which may or may not be called a strike or lockout, according to individual views.

STATISTICS OF BUILDING OPERATIONS.

I. New York City.

In comparison with the corresponding period of 1901 there was, during the second quarter of 1902, a noticeable decrease in the number of new buildings and those commenced and completed, as well as in the amount of money involved in the enterprises. This decline in the estimated cost was confined wholly to the month of April, while in May and June there was an increase of \$15,218,160 over the same months of 1901. Last year in April the operations were unprecedentedly heavy owing to the zeal of builders to file their plans before the reform legislation relating to tenement-house construction became effective, which fact largely accounts for the falling off in that month this year. As to alterations of old structures, there was a small increase in all the figures this year, with the exception of the number of buildings commenced, and the decrease in that class was 116. Below are the complete statistics for all boroughs:

NEW AND REMODELED BUILDINGS FOR WHICH PLANS WERE APPROVED, THEIR ESTIMATED COST, AND THE NUMBER COMMENCED AND COMPLETED DURING APRIL, MAY AND JUNE 1901 AND 1902.

MONTH.	NUMBER OF BUILDINGS.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS—			
					Commenced.		Completed.	
	1901.	1902.	1901.	1902.	1901.	1902.	1901.	1902.
I. New Buildings.								
April	1,670	711	\$40,820,409	\$11,036,754	857	501	483	548
May	558	631	5,263,474	11,636,799	946	559	522	422
June	547	462	8,300,985	17,145,820	768	497	538	375
Total	2,775	1,804	\$54,384,868	\$39,819,373	2,571	1,557	1,543	1,345

II. Alterations.								
April	761	698	\$1,476,600	\$1,558,020	614	574	444	428
May	643	666	1,495,726	1,558,545	669	574	447	489
June	542	616	1,504,019	1,451,436	571	590	471	506
Total	1,946	1,980	\$4,476,345	\$4,568,001	1,854	1,738	1,362	1,423

III. Total of New Buildings and Alterations.								
April	2,431	1,409	\$42,297,009	\$12,594,774	1,471	1,075	927	976
May	1,201	1,297	6,759,200	13,195,344	1,615	1,133	969	911
June	1,089	1,078	9,805,004	18,597,256	1,339	1,087	1,009	881
Total	4,721	3,784	\$58,861,213	\$44,387,374	4,425	3,295	2,905	2,770

II. Buffalo, Rochester and Syracuse.

Buffalo.—Building operations in Buffalo, judged from the statistics of projected buildings derived from plans filed with the municipal building bureau, have been on a larger scale in the first half of 1902 than in any recent year. The months of April and May showed unusually large results and while June, 1902, did not quite equal the record of three years ago, the statistics of the entire quarter indicate that the workmen in the building trades of Buffalo are very well employed, thus:

1902.	NUMBER OF PERMITS.			ESTIMATED COST.		
	New.	Alterations.	Total.	New.	Alterations.	Total.
April	114	117	231	\$338,332	\$78,423	\$416,754
May	81	82	163	310,937	77,784	388,721
June	80	66	146	185,443	99,998	285,441
	275	265	540	\$834,712	\$256,204	\$1,090,916
1901	206	118	324	\$396,888	109,096	\$505,984
1900	151	181	332	502,672	142,036	644,708
1899	278	246	524	818,853	368,254	1,186,107

Rochester.—A considerable increase is observed in the plans for buildings in Rochester:

PLANS FILED IN APRIL, MAY AND JUNE.

	NUMBER OF PERMITS.				ESTIMATED COST.		
	1899.	1900.	1901.	1902.	1900.	1901.	1902.
New buildings.....	186	148	131	182	\$681,010	\$387,373	\$790,940
Remodeled buildings.....	50	92	96	109	72,285	116,536	148,563
Total	236	240	227	291	\$653,295	\$503,909	\$939,503

Syracuse.—The number and cost of buildings projected in Syracuse in the second quarter of 1902 were considerably below the average of these months; in fact, the 1902 record is decidedly inferior to that of the past five years, especially when it is remembered that the prices of building materials have been steadily rising:

1902.	NUMBER OF PERMITS.			ESTIMATED COST.		
	New buildings.	Additions.	Total.	New buildings.	Additions.	Total.
April	26	41	67	\$103,280	\$22,375	\$125,655
May	25	61	86	48,225	31,080	79,305
June	27	26	53	70,675	21,515	92,190
Total—3 months.....	78	128	206	\$222,180	\$74,970	\$297,150
1901—Total for 3 mos...	103	186	289	422,708	110,376	533,084
1900—Total for 3 mos...	90	212	302	263,799	102,755	366,554
1899—Total for 3 mos...	112	107	219	310,308	57,440	367,748
1898—Total for 3 mos...	124	120	244	307,501	50,830	358,331

IMMIGRATION AT THE PORT OF NEW YORK.

Nearly a half million (to be exact, 493,262) immigrants passed through the gateway at the Ellis Island landing station during the fiscal year ended on June 30th last. They represented 76 per cent of the aggregate importations (648,743) at all seaports in the United States within that time. In point of numbers these arrivals at New York largely surpassed the record of any other year since 1856, when the immigration officials inaugurated the system of separating the settlers and travelers in the statistical exhibits. Within that whole period there were only seven other years in which the figures exceeded the 400,000 mark, the greatest number being credited to 1882—476,086; while in 1881, 455,681 arrived; in 1891, 448,403; in 1892, 445,987; in 1888, 419,718; in 1883, 405,909; in 1887, 405,405. The lowest immigration was in 1877, when the total was 54,536. Following is a table which shows the figures for each twelvemonth:

PERIOD.	Number of immigrants.	PERIOD.	Number of immigrants.
Year ended December 31:		Year ended December 31:	
1856	142,352	1880	327,371
1857	183,773	1881	455,681
1858	73,529	1882	476,086
1859	79,322	1883	405,909
1860	106,162	1884	330,030
1861	65,539	1885	291,086
1862	76,306	1886	321,814
1863	156,844	1887	405,405
1864	180,296	1888	419,718
1865	196,352	1889	349,233
1866	233,418	January 1 to June 30, 1890.....	211,711
1867	242,731	Year ended June 30:	
1868	213,696	1891	448,403
1869	258,969	1892	445,987
1870	212,170	1893	343,422
1871	229,639	1894	219,048
1872	294,581	1895	190,928
1873	266,818	1896	263,709
1874	140,041	1897	180,556
1875	61,560	1898	178,748
1876	58,264	1899	246,845
1877	54,536	1900	341,712
1878	75,347	1901	388,331
1879	135,070	1902	493,262

Immigration during the second quarter of the present year reached the unprecedented total of 211,432. For a single day the maximum number was attained on May 31st, on which date 6,051 people landed. April 5th and May 1st also showed a heavy

influx, the arrivals on those days having aggregated 6,046 and 6,034, respectively. To gain a more comprehensive notion as to the extensiveness of the immigration during the quarter which closed in June, 1902, a comparison should be made with the statistics for the corresponding term of months in each of the five preceding years, as presented in the subjoined table, which states the number of persons who debarked and the increase this year over the several years embraced:

SECOND QUARTER OF—	Arrivals.	INCREASE IN 1902.	
		Number.	Per cent.
1897	68,694	142,738	207.8
1898	65,907	145,525	220.8
1899	102,783	108,649	105.7
1900	140,344	71,088	50.7
1901	161,550	49,882	30.9

Among the 31 races included in the April-June statistical compilation, the Southern Italians held the lead numerically, with a total of 66,319, or 31.4 per cent. The Polish element was next, with 26,068, or 12.3 per cent. Then followed the Scandinavians, of whom there were 16,997, or 8 per cent, while the Germans were fourth, showing 15,500, or 7.3 per cent.

Considering only the principal races that figured in the immigration of the second quarter of this year, the Greeks had the largest proportional increase over the similar months of 1901—72.9 per cent, or 1,991, and the smallest gain was made by the Slovaks—4.5 per cent, or 457. The increases for the other elements were:

RACE.	INCREASE.	
	Number.	Per cent.
Scandinavian	6,986	69.8
Hebrew	5,639	68.3
Magyar	2,889	61.7
Finnish	1,081	60.3
Bohemian	716	58.3
German	5,164	50.0
French	344	46.0
Italian (North).....	2,762	35.0
Polish	6,675	34.4
Portuguese	572	30.0
Croatian	1,277	28.5
Dutch	318	23.4
Italian (South).....	11,293	20.5
Ruthenian	343	16.4
English	165	11.3
Syrian	119	8.7
Lithuanian	241	5.0
Irish	471	4.8

There was only a slight change this year as compared with 1901 in the proportion of sexes, the percentages having been, respectively, for the males 75.7 and 74.1, and for the females 24.3 and 25.9. The most marked disparity was shown this year among the Southern Italians, 86.5 per cent of whom were males, and but 13.5 per cent were females. For the second quarter of 1901 that race recorded 84.9 per cent males and 15.1 per cent females. The least difference in 1902 was found in the Irish immigration—47.9 per cent males and 52.1 per cent females, as against 45.8 per cent and 54.2 per cent, respectively, for 1901. Following were the proportions of the sexes of the other elements for the periods under consideration:

RACE.	PER CENT.			
	Male.		Female.	
	Second Quarter.		Second Quarter.	
	1902.	1901.	1902.	1901.
Croatian	84.6	82.8	15.4	17.7
Italian (North).....	83.5	82.8	16.5	17.2
Lithuanian	79.2	80.2	20.8	19.8
Ruthenian	78.5	75.8	21.5	24.2
Magyar	78.4	75.0	21.6	25.0
Polish	73.9	71.0	26.1	29.0
Slovak	72.8	73.5	27.2	26.5
Scandinavian	71.0	67.1	29.0	32.9
Finnish	70.3	68.7	29.7	31.3
English	69.9	70.2	30.1	29.8
Syrian	66.2	67.7	33.8	32.3
Dutch	66.0	64.9	34.0	35.1
French	64.9	67.1	35.1	32.9
German	64.3	61.0	35.7	39.0
Bohemian	59.1	51.7	40.9	48.3
Hebrew	57.6	54.4	42.4	45.6
Portuguese	55.1	51.7	44.9	48.3

The ages of 84.9 per cent, or 179,549, of the people who debarked in the April-June quarter this year, ranged from 14 to 45 years. For the same months last year the percentage was 83.9, or 135,594 in number. This year 5.3 per cent, or 11,248, were 45 years of age and over; last year 5.5 per cent, or 8,879. In 1902 9.8 per cent (20,635) were children under 14 years, as contrasted with 10.6 per cent (17,077) in 1901. In the immigration for the second quarter of 1902 the Irish race showed the greatest proportion (94.4 per cent) of those whose ages ranged from 14 to 45 years, as against 93.9 per cent in 1901; while the lowest proportion for 1902 was among the Portuguese—63.1 per cent; in 1901, 64.1 per cent. The highest proportion of the 1902

arrivals who were 45 years of age and over was reported for the Portuguese—8.2 per cent, compared with 7.9 per cent in 1901. The minimum proportion in that group this year was 2 per cent, recorded by the Lithuanians, which race was credited with 1.1 per cent last year. The Portuguese landed the maximum proportions of children under 14 years of age in the corresponding quarters mentioned—28.7 per cent and 28 per cent, respectively, while the Irish had the smallest proportions in those two periods—3.1 per cent and 3.4 per cent, respectively. In the tabular statement presented below will be found the proportions of all the leading races for the quarters ended June 30, 1892 and 1901:

RACE.	PERCENTAGES OF AGES.					
	14 to 45 years.		45 years and over.		Under 14 years.	
	1902.	1901.	1902.	1901.	1902.	1901.
Irish	94.4	93.9	2.5	2.7	3.1	3.4
Ruthenian	92.2	91.1	3.3	4.0	4.5	4.9
Lithuanian	91.4	93.2	2.0	1.1	6.6	5.7
Polish	90.2	89.2	2.6	2.4	7.2	8.4
Scandinavian ...	89.4	88.9	3.9	4.4	6.7	6.7
Croatian	89.2	90.0	5.2	4.4	5.6	5.6
Greek	88.7	87.4	2.4	3.6	8.9	9.0
Magyar	88.6	88.0	5.0	4.4	6.4	7.6
Finnish	88.5	88.7	2.2	2.6	9.3	8.7
Italian (North)..	87.7	86.8	5.4	5.7	6.9	7.5
Slovak	87.5	87.2	3.8	3.5	8.7	9.3
Italian (South)..	84.5	82.2	7.6	7.8	7.9	10.0
French	80.2	78.9	7.8	7.7	12.0	13.4
English	79.7	77.2	7.4	7.9	12.9	14.9
Bohemian	78.0	70.6	5.5	8.1	16.5	21.3
Syrian	77.2	74.4	2.9	4.6	19.9	21.0
German	75.8	74.3	6.3	7.1	17.9	18.6
Dutch	69.8	66.3	6.1	10.2	24.1	23.5
Hebrew	69.1	67.3	6.2	5.9	24.7	26.8
Portuguese	63.1	64.1	8.2	7.9	28.7	28.0

No less than 64,868 (34 per cent) of the 190,797 immigrants of 14 years of age and over who were admitted between April 1 and June 30, 1902, could neither read nor write any language, while 1,220 (0.6 per cent) could read, but could not write. The greatest proportion of illiteracy was exhibited by the Portuguese contingent—72.7 per cent. The smallest proportion was only 0.3 per cent. These latter came from the Scandinavian countries—Norway, Denmark and Sweden. A singular feature of this phase of the immigration was noted in the Syrian arrivals. Although during June there was not an instance of illiteracy found among the 570 people of that race who were 14

years old and upward, 372, or 59.3 per cent, of those that landed in April and May could neither read nor write, the proportion for the entire three months having been 31.1 per cent. These were the proportions for all races numbering more than 500 arrivals:

RACE.	Percentage of illiteracy, second quar- ter, 1902.
Portuguese	72.7
Italian (South)	61.4
Ruthenian	56.0
Lithuanian	50.7
Polish	38.5
Croatian	31.8
Syrian	31.1
Greek	30.1
Hebrew	29.2
Slovak	24.5
Italian (North).....	14.8
Magyar	12.4
Dutch	8.1
German	5.3
French	3.7
Irish	3.6
English	1.9
Bohemian	1.4
Finnish	0.5
Scandinavian	0.3

The percentage of immigrants who in the April-June quarter of the current year gave New York State as their destination was 40.5. This was a slight increase over 1901, when it was 37.9 per cent. Pennsylvania's proportion for 1902 was 18.6 per cent, against 21.3 per cent in 1901. Other States in the North Atlantic Division also showed a falling off, as follows:

STATE.	Per Cent, Second Quarter—	
	1901.	1902.
Connecticut	3.9	3.8
Massachusetts	7.3	6.7
New Jersey.....	6.1	5.2
DESTINED TO OTHER DIVISIONS:		
California	1.6	1.5
Colorado	0.7	0.6
Illinois	6.4	6.7
Iowa	0.7	0.8
Michigan	2.0	1.9
Minnesota	1.6	1.9
Missouri	0.5	0.5
North Dakota.....	0.4	0.5
Ohio	2.9	3.7
Texas	0.2	0.1
Wisconsin	1.4	1.5

AVOWED DESTINATION OF IMMIGRANTS WHO LANDED AT THE PORT OF NEW YORK
DURING THE QUARTER ENDED JUNE 30, 1902.

Alabama	106	Nebraska	724
Alaska	29	Nevada	235
Arizona	66	New Hampshire.....	306
Arkansas	39	New Jersey.....	10,980
California	3,183	New Mexico.....	61
Colorado	1,305	New York.....	85,727
Connecticut	8,062	North Carolina.....	24
Delaware	263	North Dakota.....	1,100
District of Columbia.....	104	Ohio	7,768
Florida	90	Oklahoma	69
Georgia	60	Oregon	404
Hawaii	4	Pennsylvania	39,333
Idaho	127	Rhode Island.....	2,284
Illinois	14,090	South Carolina.....	29
Indiana	767	South Dakota.....	535
Indian Territory.....	35	Tennessee	58
Iowa	1,663	Texas	257
Kansas	438	Utah	211
Kentucky	65	Vermont	442
Louisiana	213	Virginia	116
Maine	258	Washington	533
Maryland	457	West Virginia.....	902
Massachusetts	14,262	Wisconsin	3,190
Michigan	4,019	Wyoming	145
Minnesota	3,397		
Missouri	1,092	Total	<u>211,432</u>
Montana	551		

NEW YORK STATE FREE EMPLOYMENT BUREAU.

Report of Superintendent.

The quarter ending June 30, 1902, brings to a close the best quarter's work ever reported for a like period since the opening of the Bureau. Two agencies contributed towards the result: first, a demand for help, showing prosperous conditions; secondly, a number of willing workers who had placed their labor on the market through this Bureau.

Contrasting the quarter with that of 1901, we find that in 1901 we had 1,340 applicants for work, 1,141 applicants for help, the number of situations secured being 839; while in 1902 we had 1,463 applicants for work, being 123 over 1901. Applications for help were 1,316 as against 1,141 for 1901, and 1,090 situations secured, while we had 839 in 1901.

Taking the half year ending June 30th with that of the corresponding period of 1901, we find that we had 239 more applicants for work, 438 more applicants for help, and 488 more situations secured. The percentage of situations secured for the quarter ending June 30, 1902, was 74 per cent.

During the quarter there were 226 applications for help which we were not able to fill. They were mainly for general house-workers and hotel help, a sufficient supply of which we did not have.

The following table contrasts the quarter ending June 30, 1901, with that of 1902:

	Applicants for work.	Applications for help.	Situations secured.
1901	1,340	1,141	839
1902	1,463	1,316	1,090
Percentage of applicants securing employment, 1901.....			62+
Percentage of applicants securing employment, 1902.....			74+

Respectfully submitted,

JOHN J. BEALIN,
Superintendent.

INDUSTRIAL DISPUTES AND AGREEMENTS.

The Bureau of Mediation and Arbitration recorded 60 fresh disputes in April, May and June, details concerning which are given in one of the tables of the Appendix. In the aggregate these disputes involved 480 firms, besides one association of employers, and 23,500 employees who lost altogether 301,000 days' work. There were also 7 disputes that began before April but came to an end in this quarter. They involved 800 employees, who lost 11,400 working days.

The causes and results of the disputes are summarized below:

	DISPUTES.			EMPLOYEES DIRECTLY INVOLVED IN DISPUTES BEGUN—		
	Begun in second quarter.	Begun before April 1.	Total.	In second quarter.	Before April 1.	Total.
<i>Causes :</i>						
Increase of wages	32	2	34	6,795	175	6,970
Reduction of wages.....	1	1	2	20	86	106
Hours.....	12	.....	12	3,979	.....	3,979
Trade unionism.....	8	3	11	1,494	514	2,008
Particular persons	1	.....	1	127	.....	127
Working arrangements	3	.....	3	1,506	.....	1,506
Payment of wages	1	1	2	65	13	79
Sympathetic strikes.....	1	.....	1	6,000	.....	6,000
Miscellaneous	1	.....	1	115	.....	115
Total.....	60	7	67	20,702	788	21,490
<i>Results :</i>						
In favor of workpeople	27	6	33	13,185	728	13,913
In favor of employers.....	15	.....	15	2,891	.....	2,891
Compromised.....	16	1	17	4,567	60	4,627
Pending or not reported.....	2	.....	2	59	.....	59
Total.....	60	7	67	20,702	788	21,490

It appears that the largest number of strikes was for an advance in wages, the next prominent demand being for shorter hours, while trade unionism also figured prominently. The one sympathetic strike recorded involved an unusually large number of employees and occurred in an electrical works at Schenectady. About one-half of all the strikes terminated in favor of the workmen, who may also be credited with partial victories in the disputes that were compromised. Of the 21,490 strikers only 2,900 were entirely defeated.

The most important disputes, measured by the total time lost, were the following:

Buffalo building trades: 1,250 employees, out 5-7 weeks, lost 40,000 days' work.

Niagara Falls building trades: 800 employees, out 6 weeks, lost 32,000 days' work.

Rochester chair makers: 500 employees, lost 30,000 days' work.

New York plasterers and laborers: 1,600 employees, out 3 weeks, lost 27,000 days' work.

Yonkers hat makers: 1,100 employees, out 6 weeks, lost 22,000 days' work.

Tonawanda blast furnace men: 500 employees, out 6 weeks, lost 18,000 days' work.

Brooklyn tin can makers: 1,200 employees, out 2 weeks, lost 14,500 days' work.

New York bridge workers: 300 employees, out 9 weeks, lost 13,000 days' work.

Little Falls knitting mill employees: 2,000 employees, out 2 weeks, lost 13,000 days' work.

Schenectady electrical workers: 6,600 employees, out 1 week, lost 12,000 days' work.

Most of these strikes were described in the reports of the Bureau of Mediation and Arbitration in the June BULLETIN.

Since June the members of the Board have seldom been called upon to exert their good offices in the settlement of trade disputes. The threatened strike on the elevated railroad in New York City did not take place owing to the conservative methods of the workmen and the conciliatory attitude of the company. The negotiations which led up to the agreement between the company and the employees are fully described in a separate article, in which for the first time many official documents are given to the public.

New York City Elevated Railroad Engineers and Firemen.

Sixteen years ago last December the engineers employed on the Manhattan Railway, more familiarly known as the elevated system, and comprising the Second, Third, Sixth and Ninth Avenue lines—the four great passenger traffic arteries that traverse the Boroughs of Manhattan and The Bronx—through their organization, the Brotherhood of Locomotive Engineers, No. 105, entered into a written agreement with the company that nine hours should constitute a day's work, with \$3.50 as the wage rate for that amount of labor, besides other stipulations that

were of mutual benefit to both parties to the compact. Throughout that whole period the most pacific relations had existed between these workmen and the corporation, but in the fore part of this year there occurred an event which for a while threatened to disturb this long-standing harmony. Some months previously the railroad management began preparations to substitute electrical motive power for steam on its system, and was about to operate the improved method of transportation on the Second Avenue line, with the intention of extending it to the other three branches in the near future. To meet the changed conditions the company formulated a set of rules to govern employment in its projected electrical train service. On February 17th these were posted on the bulletin boards set apart for notifications issued to engineers and firemen, and copies were also given to the men's organizations. The new rules were as follows:

MANHATTAN RAILWAY COMPANY.

VICE PRESIDENT'S OFFICE,

195 Broadway, New York, February 17, 1902.

"MOTORMEN.

"With the introduction of electrical train service the rates of pay and the hours of duty of motormen will be as follows:

"Ten hours shall constitute a day's work and will be paid for at the rate of \$2.50 per day. To all employees after two years of service as motormen the rate of pay will be \$2.75 per day, and after three years of service as motormen the rate will be \$3 per day.

"Overtime to be paid for pro rata, and allowance of time, for less than one hour, shall be as follows: For more than twelve minutes and less than thirty-one, thirty minutes; for more than thirty-one minutes and less than sixty, one hour.

"All applicants for position of motormen must be able to read and write English plainly and must be examined for defects of sight, hearing, speech or limb.

"ENGINEERS.

"The company, appreciating the long and meritorious record of its locomotive engineers, desires to retain in its service all such employees, and to that end creates a special class to be known as 'senior motormen,' who will be paid at the rate of \$3.50 per day.

"The rules relating to hours of work, overtime and physical examinations will apply in the same manner as above set forth.

"FIREMEN.

"Firemen will be eligible for examination for position of motormen in order of present seniority of service, the intention being to fill all vacancies for motormen from present list of firemen after locomotive engineers are placed. Meanwhile firemen now employed on engines may apply as fast as relieved,—

"To the master mechanic of the electrical department for appointment as follows: Car equipment installation, car equipment repairs, car equipment inspectors;

"To the engineers at the power houses for appointment as firemen, oilers;

"To the chief engineer for appointment as railmen, drillers, riveters, bondmen, painters;

"To the superintendent of transportation for appointment as guards, car couplers, switchmen.

"ALFRED SKITT,
"Vice President."

As under the foregoing provisions the members of the engineers' division who became motormen would have to submit to an increase of one hour in their daily work without a corresponding advance in wages, they determined to seek a modification of the terms. With that end in view their officers conferred with the representatives of the company, but the latter declined to deviate from the position taken on the question of working time and wages, and the Brotherhood, being led to believe that better results could not be accomplished, in April reluctantly accepted the following arrangements agreed upon by its committee and the superintendent of the railway on March 26th and approved by the latter's vice-president on May 2d:

"First—On March 26, 1902, the following arrangements were agreed upon at a meeting between the general committee representing the B. of L. E. of all lines of the Manhattan Railway Company and the superintendent when electricity takes the place of steam on all lines of the company.

"Second—That on all regular runs ten hours or less constitute a day's work on all lines of said company; all over ten hours to be paid for pro rata.

"Third—That the motormen's time shall commence at the time they are ordered to report for duty. The oldest motorman in the service of the company to have preference in runs where there shall be a vacancy or on all new schedules and shall have the privilege to change runs with each other where it is satisfactory to both parties concerned for a temporary accommodation, for a period of not over two weeks; oldest engineers to be considered oldest motormen.

"Fourth—Any motorman completing an unfinished day for another excused from duty shall receive pay for the same as per classification. A motorman ordered to report for duty shall receive two hours' pay for the same; if he is held over two hours, he shall receive pay pro rata. All motormen shall have from nine to nineteen minutes relay at northern terminal and at all other terminals may be asked to take out the same trains. That all motormen must be kept on their scheduled runs as nearly as possible.

"Fifth—That no motorman shall be discharged for serving on any committee, or discharged or suspended for any cause without first having a fair and impartial hearing, and if suspended shall receive full time and pay for such suspension if investigation proves him blameless; evidence in investigations always to be open to committees' perusal.

"Sixth—That there shall be as many straight runs as possible on all schedules. Schedules to be thrown open when there are any changes affecting six or more runs. That all swing runs be completed inside of twelve hours and fifteen minutes on Third and Sixth avenues and as nearly as possible to twelve hours and fifteen minutes on Second and Ninth avenues. That no man shall be asked to report more than twice in one day. No swing runs to be made between 9:30 p. m. and 7:30 a. m. That every man's day's work shall be completed at the end of his schedule run, and if anything happens that a man has to make an extra trip he shall be paid the hours he works to make it.

"Seventh—Overtime to be paid for as follows: Twelve minutes or less than thirty minutes, one half hour. Thirty-one minutes or over, one hour.

"Eighth—That all motormen on the Second and Third Avenue lines, eastern division, shall not be relieved further south than 129th street; western division, Sixth avenue, at 155th and 58th streets; Ninth avenue, 135th and 59th streets. The only exception to the above being the relay motormen at southern terminals during rush hours. The foregoing paragraph does not apply to lay-up or reporting points.

"Ninth—Any message sent by letter or telegraph, notifying proper official of sickness, reporting for duty, or asking to be excused from duty, that such telegram or letter shall receive proper attention. That any man over sleeping, shall report in person not later than 9 a. m.

"Tenth—That in the program adopted for Sundays and holidays there shall be a practical and equal distribution of the work among motormen assigned to regular runs. That all men putting in a bid for work on their day off (after extra men are provided for) shall have preference of runs in their class. Extra men shall have preference of work, but not runs.

"Eleventh—That the company provide extra men enough to insure men being excused when necessary, also men being permanently excused on Sunday, and that each division will be covered by the extra men.

"Twelfth—That on all new schedules, excepting Sundays and holidays, motormen shall be marked up as nearly as possible on the same runs that they had on previous schedules, schedules to be run one week and then to be thrown open for choice. That all motormen be allowed a choice as per seniority. That in case vacancies occur on any runs, they are to be thrown open for bids as has been done heretofore, but no man can have more than one bid for vacancy. That whenever possible, men who ask to be excused from duty, the request shall be granted. That Sunday runs shall be of shorter duration, whenever possible, than regular daily runs. That it is understood that switchmen are not to handle trains with passengers.

"That the Brotherhood of Locomotive Engineers and their committees shall be recognized in all adjustments between the company and its motormen."

When in the early summer the Third avenue line was equipped with the third (or electric) rail and motors commenced to gradually supersede locomotives, a spirit of discontent became manifest among the members of the engineers' association. While the March arrangements may have accorded to them minor satisfactory alterations in the running schedules, they did not want to relinquish their cherished nine-hour working day when they were installed as motormen; neither did they relish the idea of practically working for less wages. They felt that they were entitled to more favorable consideration owing to long and faithful service, and consequently they determined again to open negotiations with the company. It was in July that they devised a definite plan of action. A scale fixing the daily labor hours at nine, establishing the rate of compensation at \$3.50, limiting a day's work to ninety miles, providing for overtime pay and other details relating to trade regulations, was adopted. They also prepared for the firemen a series of demands, which received the approval of lodges 149 and 155 of the Brotherhood of Locomotive Firemen. For the latter it was proposed that those promoted to be motormen shall receive \$3 a day for the first six months, \$3.25 per day for the ensuing six months, and after having operated a motor one year, \$3.50 per day; (2) that after all engineers have secured places as senior motormen then all firemen who have qualified as engineers shall be rated as senior motormen; (3) that all firemen who were in the service of the company on January 1, 1902, and have not qualified as engineers shall be in line for promotion to yard motormen in accordance with seniority; (4) that firemen shall have preference in filling vacancies as switchmen and motor switchmen at the highest rate of pay for that class, remaining in line for promotion as regular motormen; (5) firemen to be offered positions as regular guards as indicated by their seniority as firemen, and in line for promotion as conductors; and (6) that twelve firemen who were promoted on April 28th be classed as senior motormen. The engineers appointed a committee to present the whole matter to Vice-President and General Manager Skitt of the company, and the firemen's organizations authorized their officers to act in conjunction with the engineers' representatives. This joint committee communicated the several propositions to

the railroad management on July 28th. On August 4th the latter made answer, refusing to comply with the request to continue the nine-hour working day, maintaining that the notice posted on February 17th called "for ten hours' work at higher rates of pay, by fifty cents to \$1.25 per day, than on any other elevated railroad in Brooklyn, Boston, or Chicago." The limiting of a day's work to ninety miles was objected to on the ground that "if the company should increase the running schedule to fifteen miles an hour, as it probably may, a day's work would be completed in six hours, platform time, which of course is out of the question;" and "furthermore, the limit of ninety miles for a day's work is now only slightly exceeded, but such a limit would compel the reduction of mileage on Bronx Park of 25 per cent and on other east-side lines of 16 $\frac{2}{3}$ per cent." The clause asking for one hour's pay for five minutes' overtime over each hour was not conceded, because "it is believed that the notice of February 17th, allowing thirty minutes' pay for twelve minutes' overtime and one hour's pay for thirty-one minutes' overtime, is liberal and compares favorably with the allowance on any other line." The demand that a motorman ordered to report for duty shall receive one-half day's pay if held at least four hours without being assigned to employment, and shall be paid for a full day if sent out on the road according to classification, was not granted, it being held that the March arrangement covered "this point, by which regular motormen reporting receive two hours' pay if not assigned to duty." To the demand that all engineers hired from other roads as motormen shall receive \$3.25 per day for the first year and \$3.50 per day thereafter, the company replied that "no engineers will be employed from other roads; all vacancies for motormen will be filled by firemen, in regular seniority, and when they are exhausted, trainmen and other employees will be eligible." The five propositions affecting the firemen were not acceptable to the company. The reason given for the refusal of the first one was that "firemen receiving \$1.75 to \$2 per day under steam operation, if promoted to the position of motormen, receive by the notice of February, 1902, \$2.50 per day for the first two years, \$2.75 per day for the third year, and \$3 per day thereafter; all in excess of rates paid on any other road, other than to the ex-engineers."

This announcement of the company created consternation among the engineers and firemen, who had about arrived at the conclusion that, if they could not enforce their requirements at this stage of the introduction of electricity on the elevated roads, it would be only a question of time when the operation of the motors would pass beyond their control, with a consequent decline in wages and deterioration in general conditions. Although they had failed in their negotiations, the local Brotherhoods still had another opportunity to endeavor to induce the company to recede from the stand it had taken. Before recourse to extreme measures they are required by their laws to call upon their general officers to make a final effort to adjust differences with employers. They therefore appealed to those officials to proceed to New York for that purpose. A. B. Youngson, Assistant Grand Chief Engineer of the Brotherhood of Locomotive Engineers, and Charles A. Wilson, Senior Vice Grand Master of the Brotherhood of Locomotive Firemen, hastily responded to the summons, and on August 7th they addressed this note to Vice-President Skitt:

"The laws of the Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen require that, when a difference arises between themselves and their employers that cannot be satisfactorily adjusted, they shall send for their executive officers. It is their duty to come to use all honorable means in their power to effect, if possible, an amicable adjustment of the differences. In that spirit we have come, and hereby respectfully solicit an audience with you for the purpose of discussing these questions. Kindly inform the bearers when and where it will be convenient for you to meet us. Please name as early an hour as possible."

The vice-president was absent from the city, and the union officials were informed that he would return on the 11th. Meanwhile the controversy between the Brotherhoods and the company was generally discussed by the metropolitan press, and the public mind was somewhat agitated at the prospect of a tie-up on all branches of the elevated system. The representatives of the unions deprecated all reference to a strike, declaring that they desired to promote peace and would exercise every honorable means in their power to bring about a satisfactory adjustment. On the morning of the 11th they again dispatched a messenger to the office of the vice-president with their note requesting an audience, and were promptly invited to call on him that

afternoon. William L. Jencks, Chief Engineer of Brotherhood of Locomotive Engineers No. 105; Harry B. Pinney, Master of Brotherhood of Locomotive Firemen No. 149; Edwin R. Wells, Secretary of Brotherhood of Locomotive Firemen No. 155, and John W. Smith, members of the joint grievance committee, accompanied the grand officers to the general manager's office at the hour named for their reception. Some time was consumed in a friendly discussion of all phases of the demands, when the company's officials submitted a counter proposition, making a day's work nine hours and twenty-five minutes, with a relay of from three to seven minutes at northern terminals, and twenty-three minutes for lunch at midday. During the pendency of the negotiations it was reported, and generally credited, that leading financiers connected with the directorate of the Manhattan road were averse to an open rupture with the employees and strongly favored a continuance of the feeling of amity that had been prevalent for so many years between the workers and the company. It was also said that these capitalists were using their influence toward an amicable settlement of the affair. In the evening of the 11th the engineers and firemen considered the general manager's counter proposition and voted for its rejection. At the same time it was decided to waive the clause relating to the ninety-mile limit for a day's work, and to insist upon all the other demands that had been previously denied by the company. On the morning of the 12th the parties to the controversy had another conference, at which the employees' advocates announced their ultimatum. At 3 o'clock in the afternoon of the same day a third session was held and the labor representatives were informed that the company would accept their terms. The following agreement was then signed and later on was formally ratified by the local Brotherhoods of Engineers and Firemen:

"An agreement between the Manhattan Railway Company, leased lines and branches, and engineers, firemen and motormen employed on same; and we, the engineers, firemen and motormen do hereby agree to strictly adhere to all clauses and articles in the following contract and agreement when signed by the representative of the company and our representatives:

"First—That nine hours or less shall constitute a day's work on all lines of said company; all over nine hours to be paid for pro rata for each and every hour or fractional part thereof, viz.: For ten minutes or more after each hour, one-half hour's time shall be allowed; and for thirty

minutes or more, one hour. That all motormen shall have a relay of not less than fifteen minutes between each trip at northern terminals on eastern division and at northern terminals on western division of their runs, and take out the following trains at the southern terminals. When headway is six minutes or over, take out same train; when less than six minutes, take following train. That the relieving points on the eastern division shall be at 129th street, 179th street, or Bronx Park; western division, Sixth avenue, 155th and 58th streets; Ninth avenue, 135th street and 59th street for midnight runs only.

"Second—All engineers assigned to motors shall receive \$3.50 per day.

"Third—The time of motormen to commence from the time they report on the structure, viz.: fifteen minutes before they are scheduled to leave.

"Fourth—The oldest engineer in the service of the company to have preference in runs, provided there be a vacancy, and shall have the privilege to trade runs with each other, when it is satisfactory to both parties concerned, for a temporary accommodation of a period of ten days; oldest engineers to be considered oldest motormen.

"Fifth—Any motorman completing an unfinished day for another excused from duty shall receive pay per hour for the same as per classification.

"Sixth—All motormen ordered to report for duty shall receive one-half day's pay for the same, provided he is not held for duty more than four hours, and shall receive full day's pay for the same if sent out on the road according to classification.

"Seventh—All motormen promoted by the company from firemen to motormen shall receive \$3 per day for the first six months, \$3.25 for the ensuing six months, and after having run a motor one year shall receive first-class pay, viz.: \$3.50 per day, 365 days running a motor to constitute one year. That the company shall find employment for as many firemen as possible, and they shall be in line for promotion to motormen according to seniority.

"Eighth—That there shall be as many straight runs as possible on all schedules. All swing runs shall be completed within twelve hours and fifteen minutes; no swing runs to be made between 9 p. m. and 7 a. m. No motorman shall be required to do part of his day's work on an engine or an engineman on a motor. That any swing of an hour or less shall be considered continuous time, and no motorman shall be required to report more than twice in one day.

"Ninth—Any motorman having completed his day's work as per schedule if required to make another trip shall be paid a half day's pay.

"Tenth—No motorman shall be required to make any overtime except in case of emergency. In such case he shall be paid as in section 1. Any motorman making a special trip shall receive a half day's pay for the same; if required to make more than one trip he shall receive a full day's pay.

"Eleventh—That on all new schedules motormen shall be marked up as near as possible on the same runs they had on previous schedules; the schedules to run one week and then to be thrown open and all motormen allowed a choice as per seniority, and should any vacancy occur after such choice the run shall be advertised, within five days, on the

bulletin board for twenty-four hours, and the oldest motorman bidding for the same shall receive it, but no more than one change shall be allowed on such vacancy. When changes affect five or more runs the schedule shall be thrown open and all motormen be allowed a choice. That in the programs adopted for Sunday and holidays there shall be an equal distribution of the work among all motormen assigned to regular runs. That all motormen putting in their bids for work on their Sundays off shall have preference of runs according to seniority. Extra men shall have preference of work, but not runs.

"Twelfth—Any message sent by letter or telegraph notifying the proper officials of sickness, reporting for duty, or asking to be excused from duty, that such telegram or letter shall receive proper attention. That any motorman oversleeping shall report in person not later than 9 o'clock a. m. the same day.

"Thirteenth—That no motorman be required to jump another, except to keep them in their places. That all motormen relieving another shall be allowed ten minutes between reporting and relieving time.

"Fourteenth—That a working schedule shall be posted with all new schedules. It is understood that special holiday schedules do not include Saturdays or Sundays, unless Saturday should be a special holiday.

"Fifteenth—No motorman shall be discharged for serving on any committee, or shall be discharged or suspended for any cause whatever without first having a fair and impartial hearing. If suspended he shall receive full time and pay for such suspension if exonerated from blame. That a committee representing the Brotherhood of Locomotive Engineers and the Brotherhood of Locomotive Firemen shall be recognized in adjusting all grievances between the company and its motormen, and the Brotherhood of Locomotive Engineers and the Brotherhood of Locomotive Firemen shall have the privilege of examining the minutes of investigations if so desired—that is to say, if a motorman is aggrieved he will have the right to have his grievance presented through the committee representing the organization of which he is a member. If the said committee fails to adjust the grievance, then the full committee representing the motive power department will be convened for the purpose of adjusting the said grievances.

"Sixteenth—All motormen shall be kept on their regular runs as near as possible.

"Seventeenth—The company shall furnish sufficient extra motormen at all reporting and relieving points to insure motormen being relieved on schedule time and to excuse regular motormen when they desire to lay off.

"Eighteenth—That all engineers hired from other roads as motormen shall receive \$3.25 per day for the first year and \$3.50 per day thereafter.

"Nineteenth—So long as the company runs an engine the present engine agreement shall be in full force and virtue.

"Twentieth—Motormen shall report to, and receive their instructions from, motor instructors. Motor instructors shall have full authority to place and excuse motormen and generally fill the position of engine dispatcher.

"Twenty-first—Motormen shall have charge of, and be responsible for, designation signals.

"Twenty-second—Motormen shall lay up trains.

"Twenty-third—After all engineers have been provided for as senior motormen then all firemen who have qualified as engineers shall be rated as senior motormen.

"All firemen who were in the service of the company January 1, 1902, and have not qualified as engineers shall be in line for promotion to yard motormen in accordance with seniority.

"Firemen to have preference in filling vacancies to position as switchmen and motor-switchmen at highest rate of pay—\$2.10 per day, remaining in line for promotion to position of regular motormen.

"Firemen shall be offered the position of regular guards as indicated by their seniority as firemen, and in line for promotion as conductors.

"Twelve firemen promoted April 28th to be classed as senior motormen.

"This agreement shall go into effect September 15, 1902.

"MANHATTAN RAILWAY COMPANY,

"By ALFRED SKITT, *Vice President.*

"WILLIAM L. JENCKS,

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"*Secretary B. of L. F."*

New York, Manhattan, Carpenters and Kindred Trades.

In the Borough of Manhattan there are twenty-two local branches of the United Brotherhood of Carpenters and Joiners of America, with an aggregate membership of 6,557. Eighteen of these subordinate unions are made up of carpenters and joiners, while the remaining four are composed, respectively, of cabinetmakers, framers, machine wood workers, and stairbuilders. From September, 1899, to the time of the wage changes (with which this article treats) that took place in September, this year, the carpenters and framers received \$4 per day, the stairbuilders \$3.84, and the cabinetmakers and machine wood workers \$18 weekly, the working time for all classes being forty-four hours per week.

Early in the spring of the current year a movement was started looking to an increase in wages, and it was finally decided to demand \$4.50 per day for carpenters, framers and stairbuilders, the workers on buildings, and \$3.78 a day, or \$20.79 for a week of five and one-half days, for the cabinetmakers and machine wood workers, the shop or inside men. On the 23d

of June this circular, signed by the executive committee of the borough district council, was addressed to "architects, builders, general contractors, boss carpenters, and those employing carpenters and joiners, framers, stairbuilders, cabinetmakers and machine hands:"

*"Gentlemen—*You are hereby notified that on and after September 1, 1902, the wages of all men working on buildings (or outside men) shall be \$4.50 per day, and for all shop hands (or inside men) the wages shall be \$3.75 per day, minimum, for eight hours a day for the first five days and four hours on Saturday, for all men; no work to be done between the hours of 12 m. and 5 p. m. on Saturday. All wages to be paid weekly on Saturday at or before 12 o'clock, noon, in the shop or on jobs, and all other trade rules existing at present shall remain in force."

During the first week in August the executive committee of the district council met the representatives of the employers' organizations—the Master Carpenters' Association, and the Interior Decorators and Cabinet Manufacturers' Association—and discussed the proposed advance in pay. These employers refused to accede to the demands, and on August 27th the chairman of each shop or job received instructions to present a printed form to his employer requesting the latter to affix his signature agreeing to pay the increased wage rate, and, if signed, to deliver it to the executive committee on either August 30th or September 1st. In the event of the refusal of the employers to comply, the members were directed to appear at the union headquarters in Bohemian National hall, East Seventy-third street, on Tuesday, September 2d, and sign the strike book. By the last-mentioned date 210 firms had conceded the demands, but the two associations of employers and a number of individual concerns still held out against the workmen's terms. The strike was therefore in full force on that day. On the following afternoon it was officially reported by the executive committee, composed of George D. Gaillard, chairman; Frank Gilliard, secretary; Christopher Kelly, William Laste and William Charles, that eighty-three more firms had signed, and that 2,975 men were then on strike in the several trades. After the dispute commenced the employers' associations expressed a willingness to raise the rate twenty-five cents per day, but this offer was rejected by the union committee. Fifty-one employers accepted the new scale on Thursday, on which day the number

of men out had dwindled to 2,122, and was still further reduced to 1,878 on Friday, when not only did the two employers' organizations yield, but forty-two individual concerns, among them two of the largest in the city, pursued a like course, so that when the books were closed on Saturday, the 6th, there were but 532 members recorded on strike. On September 8th an additional twenty-three firms announced their compliance with the demands, and it was also reported that 172 workmen were at that time on the strike rolls. All but twenty-three of these had returned to work by the 11th, and the strike was practically ended.

An outcome of the strike was a resolve by the district council to endeavor to hereafter enter into yearly agreements with employers as to wages and other trade matters and to urge the formation of a joint arbitration board, to which will be referred all questions in dispute. This plan to avert trade disturbances in the future is looked upon with favor by some of the large individual contractors in the city, and arrangements are now under way for a meeting, in October, between the labor advocates and the two associations of employers, at which conference it is expected that a mutual understanding will be reached tending to insure peace for many years in the wood working industry.

New York, Brooklyn, Painters and Decorators.

In March the employing painters of Brooklyn borough received notice from the Amalgamated Painters and Decorators to the effect that with the beginning of the succeeding August the scale of wages for plain work would be \$3.50 per day, and for decorative painting \$4 per day, an advance of fifty cents, respectively, and that eight hours would constitute a day's work, with four hours on Saturday, this being a reduction of three hours in the weekly working time.

On August 2d it was stated that forty-seven firms, employing some 300 journeymen, had complied with the union's demands. Other establishments refused either to raise the rates or grant the Saturday half holiday, and a general strike, involving 650 painters, was ordered. Each day thereafter a number of concerns acceded, and with the advent of September nearly all the

union members had obtained the increased wages and the decreased working time. This agreement was signed by employers:

"On and after the 1st of August, 1902, I hereby agree to employ only members of the Amalgamated Painters and Decorators at the following rates, as defined in their circular issued March 10, 1902, as follows:

"For plain painting not less than \$3.50 per day.

"For decorative work (including gilding) not less than \$4 per day.

"Eight hours will constitute a day's work, from 8 a. m. to 12 noon, and from 1 p. m. to 5 p. m., on all week days, with the exception of Saturday, when four hours only shall be worked, from 8 a. m. to 12 noon, constituting one-half day's work, and under no consideration shall members of the above body work from 1 p. m. to 5 p. m. on Saturday."

New York, Manhattan and Bronx, Plumbers and Gas Fitters.

The rival organizations of plumbers and gas fitters in the Boroughs of Manhattan and the Bronx settled their differences in March, this year, and amalgamated under the title of Local No. 2 of the United Association of Journeymen Plumbers and Gas Fitters. On April 4th this consolidated union resolved to demand \$4.50 per day and the Saturday half holiday. The scale of wages at that time was \$3.75 per day of eight hours. When the employing plumbers were notified that the proposed change would become effective on May 15th, they raised the objection that the notice was too short and that the amount was higher than they had figured on paying. Several conferences were afterward held by the committee from the workmen's union with the representatives of the Association of Master Plumbers. It was finally agreed by both sides that \$4.25 should be the standard rate of wages for an eight-hour day, with four hours on Saturday, to take effect with the following other articles of agreement, on July 1, 1902:

Working time shall be from 8 a. m. to 12 m. and from 1 p. m. to 5 p. m.; on Saturday, from 8 a. m. to 12 m., with pay for four hours. The employer shall have the right to stop work at 4:30 p. m. and deduct half an hour's time from any man or men declining to take only half an hour for lunch, during the months of November, December, January and February. Each shop shall have the right to retain one plumber and one helper for jobbing only, from 1 p. m. to 5 p. m., on Saturdays, at single time rates. When it is necessary to employ more than one man on Saturdays from 1 to 5 p. m., all shall be paid at double rates. It is agreed that when a journeyman commences work, he shall not be paid for less than one-quarter of a day's time; and it is further agreed, that when a

man shall have worked part of the fourth quarter of the day, he shall receive pay for eight hours.

It shall be the duty of every gas fitter to provide a kit of tools for his own use in the building in which he is employed by any member of the Association of Master Plumbers.

It is expressly agreed that hereafter members of the Association of Master Plumbers will not sub-let plumbing or gas fitting.

Wages are to be paid weekly during the term of this agreement.

All overtime shall be counted as double time; also all Sundays and the following holidays shall be counted as double time, in the event of a journeyman being engaged on any work: New Year's Day, Washington's Birthday, Decoration Day, Fourth of July, Labor Day, Election Day, Thanksgiving Day and Christmas Day.

All journeymen working in the country shall have their board and wages paid by their employer, also their railway fares, in accordance with the following understanding: If the distance from the city to the place at which they are to work shall be twenty-five miles or less, they shall be paid one fare to and from the place once a week; if the distance shall be more than twenty-five miles, they shall be paid only a single fare to and from the place.

It is agreed that no master plumber shall be allowed to have more than one junior working with tools to every five journeymen or fraction of that number in his employ; and it is further agreed that no shop shall at any time have more than four such juniors in his or their employment; when an apprentice or junior shall have served three years using his tools, he shall be classed as a journeyman plumber, to be paid at the standard rate of wages. No junior shall be given charge of a job during his apprenticeship. On and after January 1, 1903, the masters agree to hire no more helpers and will discharge all those who have not worked at the business for a year. All those entitled to remain at the business must register their full pedigrees at the joint conference board and will then be known as registered apprentices. When a master gives said apprentice his tools he shall be known as an improver. Said improver can work for three years, at the expiration of which he must receive the standard scale. Should a master discharge an improver before three years have expired, said improver is under compulsion to demand and receive the standard wages.

Labor clause. All master plumbers, when estimating on work, must insert the following clause: "All agreements are contingent upon strikes, interferences, accidents and other unavoidable delays, beyond and over which I have no control."

This agreement will continue in force for one year from the date on which it goes into effect; and it is mutually agreed that three months prior to its expiration a new one shall be executed for the following year.

All piping appertaining to plumbing and gas fitting work shall be done by members of Union Local No. 2, but this article shall not apply to the cutting and threading of wrought iron pipe of the size of two and one-half inches and upwards, excepting two-inch nipples up to eight-inches long.

DECISIONS OF NEW YORK COURTS.

Injunction against Intimidation.

On March 17th a strike began in the bookbinding shop of Herzog & Erbe, of Brooklyn, and a fortnight later the firm applied to the Supreme Court for an injunction to restrain J. L. Fitzgerald and seventeen others from establishing a picket and patrolling the vicinity of the plaintiffs' factory, where it was alleged the defendants, by force and menace, attempted to compel the remaining employees to join the strike. Justice Gaynor heard the application at a special term of the Supreme Court, April 1st, and two days later handed down a decision denying the same. He said:

"This is not a case for an injunction in advance of a trial. No violence has been done to person or property. Capital and labor have an equal right to organize, as is now recognized by all sensible people. The court should not interfere except in a case of obvious necessity. Where courts and judges of first instance have gone beyond this, it has been an abuse of power. These plaintiffs seem to have brought on the trouble by ostentatiously and needlessly posting in their factory a notice that they will not recognize the bookbinders' union. Wiser employers have learned that it is a convenient and useful thing to recognize lawful labor organizations and to deal with them.

"The motion is denied, but all the persons concerned should be careful to break no law."

An appeal was taken to the Appellate Division, which on July 1st unanimously reversed Judge Gaynor's decision and granted an injunction restraining the defendant "from the commission of acts of violence, and also from threats or attempts to commit such acts." (74 App. Div. 110.) The opinion, which was written by Judge Hirschberg, is as follows:

"The plaintiffs are copartners engaged in the business of bookbinding, in the borough of Brooklyn, and employ on the average thirty-five employees in their business. On March 17, 1902, a majority of such employees engaged in a strike, leaving the plaintiffs' service in a body. The cause and object of the strike are wholly immaterial. The strike was a lawful act, whatever motive may have inspired it, so long as it was unaccompanied by violence, threats of violence, intimidation or unlawful acts of coercion. But the verified complaint alleges, and many affidavits are presented at the Special Term in support of the allegation, that the strike has been accompanied on the part of the defendants as participants or sympathizers with threats of violence, acts of violence, threats of coercion, acts of coercion and intimidation, 'picketing' the

plaintiffs' premises, the use of vile and abusive language, and other familiar devices, for the purpose of preventing the plaintiffs from obtaining the peaceful service of others who are willing and anxious to take the places abandoned by the strikers, and of forcing compliance by the plaintiffs with the strikers' demands.

"It is unnecessary to detail the threats and acts of intimidation and violence which the affidavits disclose. They are such as were well calculated to occasion fear in the minds of the plaintiffs' present employees that a continuance in such employment would result in bodily harm. They include threats to 'do' these workmen unless they join the strike; to 'fight them man to man'; to 'beat every man that works in that shop'; to 'fix' them so that they could never get another position in the United States; to lay for them and blow their heads off; to blow their brains out; to 'lick' the men at night if they keep on working for the firm; and in one instance to paint a workman 'so black that the dogs won't eat bread' out of his hand, etc.

"One of these employees, a girl 19 years of age, was visited by some of the defendants at her home and charged by them with being improperly intimate with one of the peaceful workmen, and was not only threatened personally in case she failed to use her influence to get this workman to join the strike, but was assured that the defendants would 'blow his brains out.' The actual violence exerted is also detailed in the affidavits and consists in the forcible seizure of the person of one of the workmen by the arm and the pulling of him across the street in an endeavor to prevent him from entering the plaintiffs' premises.

"The denials on the part of the defendants, so far as there are any denials, consist chiefly in the reiteration of the general assertion that 'at no time were any threats, force or intimidation used or attempted to be used by deponent,' and that what was done was 'in a peaceful and lawful way.'

"Upon the facts disclosed the plaintiffs were clearly entitled to the injunction. (Davis vs. Zimmermann, 91 Hun, 489; Sun Printing and Publishing Association vs. Delaney, 48 App. Div. 623; Curran vs. Galen, 152 N. Y. 33.) It was not necessary that bloodshed should precede the application. It is sufficient that the intent to resort to bloodshed if deemed necessary to accomplish the unlawful purpose is distinctly manifested. As was said of injunctive relief in a similar case by the General Term in the First Department in Davis vs. Zimmermann (supra, page 494):

"It is far better for employers and employees, and for the peace and safety of the state, that such relief be exercised by the courts, where parties can be heard, than to permit such violations of law to go unrestrained until force is arrayed against force, and the strong arm of the executive is compelled to intervene with troops to prevent disorder and the destruction of property. The defendants invoke the general rule that when all of the equities of a complaint are denied in the answer, an injunction will not be granted pendente lite, or, if granted, will be vacated. This rule applies when the litigants claim adversely in respect to property, or the right to do some act in connection therewith, and the plaintiff's asserted right being doubtful, an injunction will not be granted. But this rule is not applicable to the case at bar, for the defendants do not assert the right to do any of the acts which they are restrained from doing. They do not assert that they have a right to intimidate, by threats or by violence, persons in the employ of the plaintiff or those who seek his employment, nor do they claim that they have a right to destroy the plaintiff's property, and it is only from doing and conspiring to do such acts that they are restrained.

"The order should be reversed, with \$10 costs disbursements, and the injunction granted, restraining the defendants from the commission of acts of violence and also from threats or attempts to commit such acts."

It will be noted that the injunction in no way interferes with the lawful right of the strikers to use peaceful methods of persuasion or picketing.

Rights of Civil Service Employees with Reference to Influencing Legislation and Free Speech.

Prior to the adoption of the Greater New York Charter there existed among the members of the New York fire department the Fireman's Mutual Benefit Association. One purpose of this organization was the influencing of legislation for the benefit of members of the department, and for this purpose a permanent legislative committee was maintained. Section 739 of the Greater New York Charter forbids any member of the fire force to contribute money to, or become a member of, any association intended to affect legislation for or in behalf of the department or any officer or member thereof. Upon the passage of the charter in 1897, therefore, the Fireman's Mutual Benefit Association abolished its legislative committee, but its members continued their activity with reference to legislation, the plan adopted to secure concerted action being to meet as usual for the transaction of business as a benefit association, then adjourn, and immediately thereafter, and in the same hall, organize into a body of "American citizens," as it was called, for the discussion and adoption of plans for procuring legislation in the interest of the members of the fire department force.

On April 5, 1900, a general order by the fire commissioner called attention to violations of the above-noted charter provisions and the department rules and regulations of 1898 to the same effect, and gave warning that all members of the force must immediately sever their connection with any association having to do with legislation in their interest. Shortly thereafter James D. Clifford, president of the Fireman's Mutual Benefit Association, was arraigned for trial before the commissioner on the charge (1) that he had disobeyed the general order by not withdrawing from membership in the association; (2) that he had violated the charter provision by appearing before the charter

revision commission, as president of the association, to urge certain amendments affecting the firemen; (3) that his conduct in publicly criticising officers and members of the force was unbecoming an officer or gentleman and he had therefore infringed the department rules, and (4) that he was guilty of conduct prejudicial to good order and discipline, in that at various times in 1899 and 1900 he had publicly charged that the department was persecuting firemen in various ways. At his trial Clifford frankly admitted both the activity of the association to influence legislation and his own public criticism of the department, making no attempt to palliate anything of the kind that had been done, but claimed that all such acts were justifiable on the ground that he and his associate members had acted not as members of the fire department, but solely in their capacity as American citizens. The plea of justification, however, was not accepted by the fire commissioner, who found Clifford guilty and dismissed him from the force. Clifford therefore appealed to the Supreme Court in the First Department, which, at the July term, unanimously affirmed the proceedings before the fire commissioner. The decision rests on the ground that Clifford was "utterly and entirely wrong in his assumption that he might do as a citizen what he was not justified in doing under the rules and law applicable to the department as a fireman." In reply to the contention that the rules and law abridged the fundamental rights of citizens and were therefore in violation of article 1, sections 1 and 8, of the State Constitution, the court says:

"There is no foundation for the claim either in law or reason. Neither the fire department, acting through its officers, nor the Legislature of the State, has in the slightest degree abridged the rights of the relator in any respect. The fire department, like all other large bodies of men, requires rules for its maintenance and discipline, without which it would be a mere mob uncontrolled and uncontrollable, and destroyed in every sense for efficiency of service. What is true of it is also true of all the other branches of government where men are employed and where control must be had and discipline maintained. The right of the relator to freely petition with others, to exercise the right of free speech, to write for publication, is as perfect at the present moment as it ever was, but for the purpose of discipline, absolutely necessary for the maintenance of the fire department as an efficient corps, he may not do such things in connection with such department while he is a member of it, either openly as a fireman or under the guise of an American citizen. By becoming

a member of the force he at the same time became subject to discipline, according to its rules, and those rules he must obey or be the subject of dismissal. He may not then freely write, speak or publish, if thereby the law and the rules be violated. It is to them that he owes obedience, and if he be not willing to yield it, his right is as free and untrammelled as it ever was to emancipate himself from the shackles of the department and exercise his right as an American citizen, whether it violate the rules of the department or not. It is, therefore, erroneous to say that his right of citizenship is abridged in any particular, and the courts have so held. (*United States v. Newton*, 20 D. C. 226; *United States v. Curtis*, 12 Fed. Rep. 824; *ex parte Curtis*, 106 U. S. 371.) The relator being a member of the uniformed force of the fire department, was clearly subject to the rules and regulations of such department, and if he violated them was subject to dismissal. (*People ex rel. Donovan v. Fire Commissioners*, 77 N. Y. 153.) The power of removal by the commissioner exists for violation of the rule, and such power has been frequently exercised under similar circumstances. (*People ex rel. Flanagan v. Board Police Comrs.*, 93 N. Y. 97; *People ex rel. Connolly v. Police Comrs.*, 11 Hun, 403; *People ex rel. Fitzpatrick v. French*, 32 Id. 112.)"—74 App. Div. 406, *People ex rel. Clifford v. Scannell*.

Rule of Street Railway Company Forbidding Employees in Uniform to Ride on Front of Cars.

A suit for damages for assault, false imprisonment and malicious prosecution was brought by an employee of the Brooklyn Heights Railroad Company because, while off duty, though clad in the company's uniform which was his property, after he had boarded an open car, seated himself on the front seat and paid his fare, an inspector had assaulted him upon his refusal to leave the front seat and take a place in some other part of the car. At the trial in the Supreme Court of Kings county, the judge dismissed the complaints of false imprisonment and malicious prosecution, but submitted that of assault to the jury, which returned a verdict for \$1,000 damages. Appeal was then taken to the Appellate Division, Second Department, where in the April term a decision unanimously reversing the lower court's order was rendered and a new trial granted.

The reversal was granted on the ground of two capital errors by the trial court. First, the jury had been instructed that it might award "punitive" damages. This was error, says the higher court, because there was no evidence to show that the defendant had wittingly or negligently engaged or retained an improper servant or had ever authorized him by special command or general warrant to assault the plaintiff, or

that it had in any way participated in, ratified or approved the act. In the second place, the trial court had held that there was no rule or regulation of the company as to employees in uniform riding on the front of cars in evidence, and expressed a doubt as to the company's right to make any such rule. The Appellate Division finds, on the contrary, that the evidence showed the existence of such a regulation, though no written rule was presented at the trial because of the refusal of the court to halt the proceedings to enable the defendant to produce its book of rules. Assuming such a rule, the Appellate Division further disagrees with the lower court and holds that such a regulation might properly be made by the company, as it would be in the interests of the safety of passengers by preventing persons who, by reason of common employment as indicated by the company's uniform, might be peculiarly liable to converse with the motorman, from so doing and thereby diverting his attention from his duties.—*Rowe v. Brooklyn Heights R. R. Co.*, 71 App. Div., 474.

Employers' Liability.

[NOTE.—No attempt is made to record under this heading *all* the decisions reported as to the liability of employers for negligence which results in injuries to employees; the cases of negligence reported include the following: (1) All decisions of courts of record which involve interpretation of the Labor Law, (2) all decisions of the Court of Appeals, (3) final decisions of the Appellate Divisions of the Supreme Court, and (4) such other decisions as may seem of interest by reason of peculiar circumstances.]

EMPLOYER'S NEGLIGENCE IN FURNISHING APPLIANCES ON BUILDING—LABOR LAW CONSTRUED.—A workman named Walters, while employed about the construction of a building by the George A. Fuller Company of New York City, was killed by the fall of a derrick used in hoisting iron beams, etc. His widow sued the company for negligence, but the trial court dismissed the complaint without submitting it to the jury, on the ground that so far as there was any negligence it was that of the decedent's fellow employees, for which the company was not legally responsible. On appeal, however, the Appellate Division of the Supreme Court, First Department, at the July term reversed the judgment and granted a new trial, holding that it was for the jury to say whether the deceased knew the character of the construction and understood the dangers, and whether he was guilty of contributory negligence or assumed the risk; and fur-

ther that the negligence of fellow employees in furnishing or constructing the derrick, or their concurring negligence in operating it, was not available as a defence since the Labor Law* rendered the employer responsible for the safety of the appliance. The case is a rather complicated one, and the court's opinion goes into details which cannot be discussed here. It appears that the derrick was supported only by a single stiff-leg at the back and by several guy-lines running to the top of the mast, and was furnished with so long a boom that its operation necessitated the continual removal of such guy-lines to permit the boom to pass, and for this reason, the employees having removed or loosened all of the said guy-lines on one side and some of the employees having caused or permitted the boom to swing around until the balance was shifted to the side for which there was no support, the whole derrick fell over and killed the plaintiff's intestate. Judge McLaughlin, in a dissenting opinion, held that the derrick was not defective or improperly constructed and that its fall was due to the failure of the decedent's fellow workmen to replace the guy-ropes and hold back the boom, and for this negligence of fellow servants the employer was not liable. The other members of the court, however, concurred in Justice Hatch's opinion that with proof of such construction, and especially with expert evidence that the derrick was improper for the purpose for which it was used, since it should either have had two stiff-legs or else a boom that would swing underneath the guys, it was for the jury to say whether the master was guilty of actionable negligence in failing to furnish reasonably suitable and safe machinery and appliances for the performance of the work; and, moreover, that the facts would have justified the jury in finding the master liable for actionable negligence in violating section eighteen of the Labor Law. Says the court:

"This section has been the subject of construction many times, and thereunder it is held that the absolute duty is imposed upon the master to furnish safe and suitable appliances as provided in the statute for the

*Section 18 provides that "A person employing or directing another to perform labor of any kind in the erection, repairing, altering or painting of a house, building or structure shall not furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders or other mechanical contrivances which are unsafe, unsuitable or improper, and which are not so constructed, placed and operated as to give proper protection to the life and limb of a person so employed or engaged. * * *

use of its employees; that as the duty to furnish is absolute, it is also a continuing obligation which may not be delegated, and from which at all times the master may not shelter himself from responsibility, unless the obligation be at all times fulfilled during the entire period that the contrivance is in use. Such is the construction placed upon the statute by the Supreme Court (*Stewart v. Furguson*, 34 App. Div., 515; *McLaughlin v. Eldlitz*, 50 App. Div., 518; *Stewart v. Furguson*, 52 App. Div., 317), and such construction has received the sanction of the Court of Appeals in the last cited case (164 N. Y., 553). In disposing of the question the Court of Appeals say: Section 18 is a positive prohibition laid upon the master without exception upon account of his ignorance or the carelessness of his servants. Applying this rule to the facts of this case, it clearly appears that the derrick is to be regarded as a hoist and mechanical contrivance, and is, therefore, brought squarely within the provisions of the statute in consequence of which there attached to the defendant the absolute duty imposed by the statute. We think it may not be said that this duty was discharged by the master as matter of law. The construction of a derrick, whereby in its operation it became necessary to remove a large proportion of its supports and make its safety in operation depend upon the watchfulness and care of a fellow-servant in properly restraining the swinging of a boom, which, if neglected, would cause a collapse of the whole structure, furnishes, it seems to us, authority for a jury to say that such construction was not proper or suitable to give proper protection to the life and limb of the defendant's employees. And when it be considered that evidence offered upon the part of the plaintiff tended to establish as an affirmative fact that such construction was improper, and the situation admitted of its being properly supported so that its operation would be safe, we are of opinion that a case was made which could only be disposed of by the verdict of a jury. Under such circumstances, as the authorities above cited clearly establish, if it be found that the defendant failed to discharge the obligation imposed upon it by the statute, the concurring negligence of a coservant in matter of operation furnishes no defense, and is no shield to the liability imposed thereby; consequently it seems to follow that the court was not authorized to dismiss the complaint for this reason."—74 App. Div., 388.

NEGLIGENCE—INJURY TO A MINER WALKING TO HIS WORK ALONG A LEDGE IN THE MINE WHICH GIVES WAY UNDER HIM.—A miner, Lentino by name, was injured while walking to his work along a narrow ledge about 1,800 feet below the surface of the ground by the soil of the ledge giving way and precipitating him into an opening below about 50 feet in depth. At the point where the accident occurred the entire width of the ledge was covered by a narrow track used for conveying cars loaded with ore, and it was customary for the workmen to pass along this track to and from work. In an action brought by Lentino, the trial justice at first dismissed the complaint and

denied motion for new trial, but afterwards reversed this action and granted an order setting aside the dismissal and granting a new trial. From this order of the Supreme Court in Kings County, appeal was taken to the Appellate Division in the Second Department, where at the April term the order for a new trial was unanimously affirmed.

It was claimed on behalf of the company that the caving in of the soil was occasioned by blasting in the mine of too recent occurrence at the time of the accident to charge them with constructive notice. On the other side it was affirmed that the ledge was dangerous in its nature and construction, and that it was the duty of the employer either to guard the edge or support the wall below to prevent the falling away of the soil. The decision of the Appellate Division passes upon neither of these contentions, as the record did not disclose the precise cause of the accident. But for the very reason that the cause of the accident was unexplained, the court held that a nonsuit was improper according to frequent decisions in similar cases, and that a *prima facie* case was established in the plaintiff's favor sufficient at least to require a submission to the jury. (Lentino v. Port Henry Iron Ore Company, 71 App. Div. 466.)

FOREIGN LABOR STATISTICS.

The Manufacturing Industries of Belgium.

Belgium, which is less than one-fourth the size of New York State, has an approximately equal population and an extensive manufacturing industry, the characteristics of which are well described in the eighteen quarto volumes of the industrial census of 1896, published by the Belgian bureau of labor statistics. The results when brought into comparison with an earlier industrial census taken just fifty years previous yield some valuable conclusions as to the trend of modern industry:

	1846.	1896.	Percentage increase.
Proprietors, employers, etc.....	160,000	240,000	50
Wage workers in factories, mines, etc..	300,000	700,000	133
Home workers.....	200,000	120,000	40 decrease
Total	660,000	1,060,000	50
Population	4,337,000	6,496,000	50
Horse power of steam and gas engines..	40,000	430,000	1000

While the proportion of the entire population that devoted itself to the manufacturing and mechanical industries remained about the same in 1896 as in 1846, a great change took place in the methods of those industries. In the earlier period nearly two-fifths of all who worked for wages were home workers, but in 1896 only one-seventh; that is, the number of home workers diminished by 40 per cent, while the number employed in factories and workshops outside the home more than doubled. Of the 120,000 home workers in 1896, about one-third were men and two-thirds were women; and more than one-half of all the home workers are occupied in various textile industries (lace making, weaving). The other home workers are found mainly in the clothing and glove making industries, and (men only) in the metal industries (firearms, nails, etc.). The persistence of this home work indicates the somewhat backward state of Belgium's industrial development. Nevertheless, the productive power of Belgian workers has been enormously increased by the use of steam power. Reckoning one horse power as equivalent to ten workmen, Belgium's steam engines in 1846 had the productive force of 400,000 men, which, added to the 660,000 workers, gave the equivalent of a working population of 1,060,000, which is just the number of workers in 1896. But in 1896 the productive force of this population was increased by steam power indicating 430,000 horse power or the equivalent of 4,300,000 workers.

Fifty years ago there was one woman working outside the home to 3.3 men; in 1896 the proportion was 1 to 5, thus showing the relative decrease of woman's employment in factories. (There was an actual increase of women from 70,000 to 115,000, and of men from 230,000 to 585,000.)

The proportion of workers who were not employees, but worked on their own account, or were proprietors, or even employed some help, remained about the same.

The industrial rank of all persons connected with the manufacturing industry of Belgium is shown in the following summary:

	Industry proper.	Home work.	Public work room.	Total.	Male.	Female.
Employers, proprietors, or persons working on their own account.....	232,534	5,461	.....	237,995	168,699	69,296
Managers, superintendents, foremen, salaried employees	37,834	1,260	9	39,103	37,353	1,750
Middle men—home work.....	.....	1,372	.....	1,372	593	779
Wage workers	664,035	6,712	849	671,596	561,295	110,301
Home workers .....	.....	101,156	.....	101,156	35,765	65,391
Government workers .....	.....	.....	366	366	258	8
Workers in employers' own family..	34,471	16,161	24	50,656	33,182	17,474
	968,874	132,122	1,248	1,102,244	837,245	264,999

The number of employers, proprietors and wage-earners in each principal industry is given in the final table, which shows that the textile business is easily the largest single manufacturing interest in Belgium, and is followed by the clothing, metal and mining industries.

There were 184 establishments, all operated by corporations, that employed over 500 workmen each, and their employees, aggregating 160,000, constituted one-fourth of all employees, or 17 per cent of all workers, as will be seen below:

	Establishments. Per cent.	Proprietors.	Directors, salaried employees.	Wage-workers. Per cent.	Total number of persons. Per cent.
No employees.....	160,000 [70.7]	164,000	500	.....	190,500 [19.66]
1-4 employees	51,700 [22.8]	55,000	5,000	92,000 [13.8]	160,471 [16.56]
5-49 employees ...	13,000 [5.7]	13,000	17,300	162,000 [24.4]	192,300 [19.85]
50-499 employees ..	1,466 [.7]	531	10,500	250,000 [37.7]	261,434 [26.96]
500+ employees	181 [.1 ]	.....	4,584	160,035 [24.1]	164,569 [16.97]
Total.....	226,350 [100]	232,534	37,834	664,035 [100]	968,874 [100]

Coal mining employed 30,000 of the 160,000 workmen in the largest establishments, while there were 7 of these large establishments in the linen industry, 9 iron and steel works, 6 glass works, etc.

TABLE SHOWING NUMBER OF ESTABLISHMENTS AND PERSONS EMPLOYED IN MANUFACTURING INDUSTRIES OF BELGIUM.

ESTABLISHMENTS IN OPERATION OCTOBER 31, 1906.													
GROUPS OF INDUSTRIES AND TRADES.	Number of persons engaged in each group and percentage of total.	Number.	NUMBER OF PERSONS OCCUPIED.										
			MEN.				WOMEN.				TOTAL.		Horse power (steam and gas engines).
			WAGE-WORKERS.		Proportion, superintendents, foremen, clerks.	WAGE-WORKERS.		Proportion, superintendents, foremen, clerks.					
			Outside.	In home.		Outside.	In home.						
1. Textile.....	169,498 or 15.4%	60,626	7,794	44,502	18,720	1,970	38,340	68,167	9,764	78,981	76,842	67,493	
2. Clothing.....	167,908 or 15.4%	86,972	14,867	6,227	5,409	62,904	87,129	8,247	78,981	46,356	13,656	34,844	
3. Metals.....	128,318 or 11.7%	21,189	22,333	100,125	7,303	445	8,297	8,372	22,718	103,422	7,675	76,592	
4. Mines.....	90,423 or 8.2%	24,885	6,806	112,814	.....	12	9,679	.....	6,320	121,963	.....	124,415
5. Building & construction	.....	24,887	26,000	66,085	.....	224	653	.....	24,254	67,238	.....	6,775
6. Food products.....	.....	23,384	26,218	66,587	.....	2,502	8,081	3	26,715	61,566	.....	64,560
7. Wood working and furniture.....	88,526 or 8.1%	87,664	47,238	17,621	1,528	432	788	776	89,066	46,126	2,304	7,424	
8. Hides and leather.....	67,680 or 6.2%	22,600	17,946	7,484	2,839	2,640	4,916	.....	22,959	21,221	12,410	8,684
9. Transportation.....	50,064 or 4.5%	7,153	5,165	18,323	185	85	358	875	2,147	26,237	630	20,803	
10. Quarries.....	22,974 or 2.1%	49	1,085	14,901	689	5	6,050	3,719	5,585	21,468	4,406	8,643	
11. Miscellaneous.....	20,710 or 1.9%	1,119	2,788	10,200	19	161	2,617	29	2,639	17,706	46	12,718	
12. Glass.....	15,083 or 1.3%	1,705	2,835	7,350	180	127	2,444	264	2,444	10,945	444	15,719	
13. Chemicals.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
14. Printing.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
15. Tobacco.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
16. Scientific instruments and art goods.....	9,615 or .9%	1,706	1,597	7,115	146	127	649	61	1,644	7,764	297	1,224	
17. Paper.....	9,445 or .9%	446	824	6,459	45	68	2,982	120	892	8,281	165	10,764	
18. Pottery.....	7,753 or .7%	280	631	6,909	1	18	1,166	10	649	7,075	11	8,111	
Total.....	1,101,236 or 100%	323,965	204,538	586,246	41,659	71,745	115,981	77,068	276,288	704,229	118,747	626,234	

* Not including 21,228 employees of brick and tile works closed at date of the census.

Hungarian Manufacturing Industry.

The Ministry of Commerce of Hungary has published in the French language a sketch of the development of Hungarian manufactures since 1867 with the statistics yielded by the industrial census of 1898.* These returns cover 2,364 factories with 245,564 employees, and an aggregate production of 1,366,917,031 crowns (\$277,484,157). The following table shows the relative strength of the principal industries in Hungary:

	PRODUCTION.	WAGE WORKERS.			Total per-sonnel.
		Male.	Female.	Total.	
1. Iron and other metals.....	13.3	22.5	3.6	18.6	18.8
2. Machinery, conveyances, etc....	12.5	18.8	1.4	15.1	16.0
3. Glass, pottery, etc.....	3.8	15.1	9.7	13.9	13.2
4. Wood working	7.0	14.3	4.7	12.3	11.9
5. Leather	2.3	2.0	2.2	2.0	2.0
6. Textiles	3.9	3.4	16.5	6.1	5.8
7. Clothing	1.5	1.2	2.8	1.5	1.6
8. Paper	1.2	1.7	5.1	2.4	2.3
9. Food, tobacco, liquors.....	47.3	13.7	45.4	20.3	20.2
10. Chemicals	6.1	5.5	5.2	5.4	5.4
11. Graphic arts	1.3	1.9	3.5	2.3	2.7
Total	100.0	100.0	100.0	100.0	100.0

The flour milling business has by far the largest production of any factory industry in Hungary, constituting as it does 26.3 per cent of the total production; but the large numbers of women credited to Group 9 are employed in the tobacco trades.

The following table shows the nature of the employment of all persons engaged in manufacturing in Hungary, with special details for the three largest groups of industries:

	ALL INDUSTRIES.		GROUP IX. Food, Tobacco, Liquors.		GROUP I. Iron and metals.	GROUP II. Machinery, etc.
	Total.	Thereof women.	Total.	Thereof women.		
Clerks, bookkeepers, etc.	6,983	299	2,113	49		1,292
Technical employees....	2,577	.....	603	.....	347	803
Other salaried employees	641	11	161	.....	203	14
Superintendents, fore- men, etc	3,177	36	722	.....	519	618
Wage workers.....	219,849	46,008	44,677	20,874	40,797	33,284
Apprentices	8,484	184	189	.....	2,921	2,806
Domestics	3,853	161	1,253	46	617	547
Total	245,564	49,699	49,718	20,969	46,131	39,364

Manufactures in Sweden.

The report of the Swedish department of commerce upon manufactures and hand trades in 1900 reveals a steady growth since 1896:

* La grande-industrie du royaume de hongrie. Publié par le ministre royal hongrois du commerce. Budapest 1901. Pp. vii+221.

FACTORIES IN SWEDEN, 1896-1900.*

	Establish- ments.	Employees.	Value of annual product, francs.†
1896	8,812	202,293	962,437,000
1897	8,974	220,202	1,089,071,000
1898	10,029	245,720	1,233,973,000
1899	10,364	257,526	1,319,992,000
1900	10,549	265,479	1,454,212,000
Largest industries in 1900:			
Food, tobacco and liquors.....	3,355	29,770	459,047,000
Wood	1,713	68,462	322,129,000
Textiles and clothing.....	802	37,187	187,281,000
Machinery and tools.....	608	33,130	123,422,000
Metal working.....	833	23,092	109,199,000

These five industries turn out 83 per cent of the entire production of Swedish manufactures. The most important class of products is food and drinks (annual value about \$92,000,000), which are equally divided between liquors, flour and meal, and sugar, tobacco, etc.

The hand trades occupy 44,517 artisans, who employ 42,805 journeymen.

Trade Disputes in England in 1900 and 1901.

The thirteenth annual report on strikes and lockouts published by the British Labor Department shows that the industrial disputes in 1900 were fewer than usual and only slightly exceeded those of 1899 in point of numbers involved and duration; while the fourteenth annual report, just issued, reveals a slight decrease in 1901:

	No. disputes beginning in each year.	NO. WORKPEOPLE AFFECTED—			Aggregate duration in working days.
		Directly.	Indirectly.	Total.	
1896	926	147,950	50,240	198,190	3,746,368
1897	864	167,453	62,814	230,267	10,345,523
1898	711	200,769	53,138	253,907	15,289,478
1899	719	138,058	42,159	180,217	2,516,416
1900	648	135,145	53,393	188,538	3,152,694
1901	612	111,437	68,109	179,546	4,142,287

Of all the persons involved in the disputes of 1900, 39 per cent were employed in mining and quarrying, while 13 per cent were employed in the textile industries, the same percentage in miscellaneous trades and 12 per cent in transportation. The importance of a dispute depends, however, not merely upon the number of persons affected, but also upon the duration of the dispute; hence, to attain a true measure of the effect of a strike

* Bidrag till Sveriges Officiella Statistik, Fabriker och Handverk, Kommerskollegiets underdaniga berättelse för år 1900. Stockholm, 1902.

† One franc=19.3 cents.

or lockout, it is necessary to multiply the number of workers involved by the number of days the dispute lasted, as in the last column of the foregoing column. Performing this operation for each industry, the British statistician arrives at the following results:

	Persons affected, directly and indirectly.	Days' work lost, 1900.	Days lost, 1901.
Building	19,178	726,626	574,848
Mining and quarrying.....	74,364	552,932	2,086,113
Metal, engineering and shipbuilding.....	19,810	349,130	601,553
Textile	24,143	411,368	276,363
Clothing	2,154	60,121	87,384
Transport (dock labor, railway men, etc.)	23,026	303,780	38,312
Miscellaneous	24,968	740,272	469,903
Employees of public authorities.....	895	8,465	7,811
Total	188,538	3,152,694	4,142,287

"Wages" was the subject of disputes that involved 61.4 per cent of all the workpeople affected, while "working arrangements" accounted for 14 per cent and "trade unionism" 14.5 per cent. This latter cause has not figured as prominently in previous years, usually accounting for 3 or 4 per cent of the disputes.

The report states that 30 per cent of the disputes resulted in favor of the workingmen, 25 per cent in favor of the employers, 42 per cent were compromised and 3 per cent unsettled. The following table shows how the disputes resulted for each cause:

PRINCIPAL CAUSE.	NUMBER OF WORKPEOPLE DIRECTLY AFFECTED BY DISPUTES BEGINNING IN 1900 THE RESULTS OF WHICH WERE—				Total number of workpeople directly affected.
	In favor of workpeople.	In favor of employers.	Compromised.	Indefinite or unsettled.	
Wages	16,886	20,360	44,197	1,490	82,933
Hours of labor.....	69	75	574	.....	718
Employment of particular classes or persons	3,253	1,976	4,892	36	10,427
Working arrangements.....	2,220	9,284	4,352	3,100	18,956
Trade unionism	17,241	1,107	1,175	50	19,573
Other causes.....	673	695	1,200	.....	2,568
Total.....	40,612	33,497	56,390	4,646	125,145

(b). Disputes begun in 1901.

Wages:					
For increase	2,106	5,727	10,763	1,290	19,886
Against decrease.....	5,217	6,096	3,224	315	14,852
Other	6,880	5,624	11,552	71	24,127
Total	14,203	17,447	25,539	1,676	58,865
Hours of labor.....	328	3,278	592	.....	4,198
Persons employed.....	3,076	4,528	2,920	.....	10,524
Working arrangements.....	3,087	9,918	10,180	.....	23,185
Trade unionism	9,804	966	221	540	11,531
Other causes.....	93	1,538	1,503	.....	3,134
Total	30,591	37,675	40,955	2,216	111,437

As usual the great bulk of the disputes were settled by direct negotiations between the employer and his workpeople or their representatives. Thus of the total of 648 disputes, three-fourths were so arranged, and these embraced 82 per cent of all the persons concerned in the disputes of the year (155,025 out of 188,538). Conciliation and mediation settled disputes that involved only 8,593 employees, and arbitration likewise only 7,118. But in England arbitration is less needed owing to the influence of agreements between associations of employers and employees, so that of all the changes in rates of wages and hours of labor in 1900 only 5 per cent followed strikes or lockouts.

Strikes in Germany in 1901.

Trade disputes were of much less significance in Germany last year than in 1900 or even in 1899, the comparison for the three years being as follows:

	Strikes terminated.	ESTABLISHMENTS INVOLVED.		Workmen employed therein.	Highest number of employees who ceased work.
		Total number.	Closed.		
1899	1,288	7,121	1,890	256,868	99,338
1900	1,433	7,740	2,733	298,819	122,803
1901	1,066	4,561	1,178	141,220	55,262

In the absence of information concerning the duration of a dispute the most significant item is not the number of strikes, but the number of strikers, which in 1901 was only 55,262. This is a small number of disputants compared with the number of strikes and indicates that the disputes in Germany are commonly on a small scale, each one affecting but a small body of men; in fact, 803 strikes involved only one establishment each, and only 117 more than five establishments. The following table reproduces the more essential data from the German report:*

* Streiks und Aussperrungen im 1901; Statistik des Deutschen Reiches, neue folge, band 148.

	Estab- lishments.	Number of employees before strike.	Number of employees on strike.	NUMBER OF STRIKES			Total.
				Suc- cessful.	Unsuc- cessful.	Parti- ally suc- cess- ful.	
All strikes	4,561	141,220	55,282	200	571	285	1,056
Offensive strikes	4,040	93,685	37,079	119	362	216	697
Defensive strikes	521	47,535	18,183	81	209	69	350
Labor organization concerned....	2,807	93,800	39,406	106	341	203	650
Labor organization not concerned	754	47,420	15,854	94	230	82	406
<i>Duration of Strikes:</i>							
Less than 1 day.....	158	12,418	3,111	22	71	21	114
1-5 days.....	637	41,158	15,162	99	187	93	379
6-10 days.....	663	11,826	5,423	29	58	45	132
11-20 days.....	423	12,581	5,226	20	60	35	115
21-30 days.....	285	6,843	3,004	14	42	21	77
31-50 days.....	1,353	12,743	6,335	9	57	27	93
51-100 days.....	815	24,253	11,093	4	76	28	108
101+ days.....	207	19,398	5,908	3	20	15	38
<i>Magnitude of Strikes:</i>							
2-5 strikers.....	100	1,686	349	13	70	10	93
6-10 strikers.....	214	7,210	1,559	40	118	35	193
11-20 strikers.....	390	11,718	3,593	45	124	59	238
21-30 strikers.....	294	13,296	3,438	37	64	35	136
31-50 strikers.....	466	16,953	5,683	27	57	57	141
51-100 strikers.....	552	21,638	8,775	23	64	43	129
101-200 strikers.....	572	28,719	10,438	10	35	31	76
201-500 strikers.....	793	23,290	11,415	4	22	11	37
501+ strikers.....	1,150	16,701	10,013	1	7	5	13
<i>Results:</i>							
Complete success.....	480	16,987	8,803	200	.....	.....	200
Failure.....	1,194	87,417	28,002	.....	571	.....	571
Compromised.....	2,887	86,816	18,457	.....	.....	285	285

About one-half of the strikers were partly or completely successful in their demands, which in the majority of cases pertained to the question of wages. In fact almost one-half of all the strikes were undertaken for an advance in wages; how successful they were may be seen below:

DEMANDS.	Success.	Failure.	Compromise.	Total.
For advance in wages.....	77	229	193	499
Against reduction of wages.....	44	85	41	170
For reduction of working hours..	17	51	78	146
Re-employment of discharged em- ployees	29	100	18	147

Strikes in Austria in 1900.

The report of the Austrian bureau of labor statistics upon the strikes and lockouts of 1900 indicates the effects of the great coal miners' strike of that year,* which engaged 65,680 workmen among the 105,128 strikers reported. The number of strikes in 1900 was only 303, as compared with 311 in the preced-

* Described in the BULLETIN, vol. II, p. 135, and III, 250.

ing year, and the number of establishments affected 1,003, as compared with 1,330 in 1899, while the total number of days' work lost by striking employees was 3,483,963, as compared with 1,029,937, the largest previous number, recorded in 1899. This latter unit of measurement, better than any other, indicates the real magnitude of trade disputes. The mining industry was responsible for 88 per cent of all the lost days of work and for the idleness of 75 per cent of the workmen on strike. The textile industry was subject to strikes that engaged 11 per cent of all the strikers and 7.5 per cent of the days of work lost, but no other industry was subject to any noteworthy stoppage of work from disputes between capital and labor.

Co-operation in Great Britain.

A report issued by the British Labor Department on workmen's co-operative societies shows the substantial progress of co-operation in England. Between 1874 and 1899 the recorded membership of all classes of co-operative societies increased from 403,010 to 1,681,342, and their total yearly transactions increased from 75 to 340 millions of dollars. The strongest branch of co-operation in England is that established in the interest of the working people as consumers. This is shown in the following table:

	No. societies reporting.	No. mem- bers (indi- viduals).	Share and loan capital. £	Sales in 1899. £	Profit. £	No. persons direct- ly em- ployed.
<i>Production:</i>						
By distributive societies..	618	.....	1,337,437	7,464,569	123,586	25,416
By productive societies...	267	48,198	1,415,687	3,376,670	187,233	9,177
Total production	885	.....	2,753,124	10,841,239	310,819	34,593
<i>Distribution—total</i>	1,535	1,623,476	23,612,358	64,539,267	7,464,503	47,378
Total	1,802	1,671,674	26,365,482	75,380,506	7,765,322	81,971

Of the 82,000 persons employed by the co-operative societies making returns, 47,000 are engaged in the business of distributing goods, while 25,000 more are employed by the distributive societies in their factories. Hence only 9,000 persons are really engaged in co-operative manufacturing enterprises, and from this number there should be deducted 376 persons employed in grist mills owned by other co-operators, leaving 8,800 persons who are true co-operators in the sense of being capitalist and workman combined. Nevertheless, even this

co-operation of the most difficult kind seems to be making good progress, since the amount of their sales has risen from about \$160,000 in 1882 to \$10,000,000 in 1899. More than four-fifths of the production is accounted for by the following industries: Dairying, baking, textile, boots and shoes, and printing.

While the chief benefit of co-operation to the British workman would seem to be to affect him as a consumer, it is undoubtedly true that societies composed of wage-earners will maintain better standards of wages and hours, etc., than most private employers who must compete against other employers for their market. A few of the retail distributive societies also pay their employees a dividend upon wages equal to that paid to members in their purchases from the distributive departments.

Co-operation in Ireland is a recent growth, but the sales in 1899 amounted to nearly five million dollars. The Irish co-operative societies are mainly combinations of small farmers for the purpose of establishing creameries or of marketing agricultural products.

Great Britain also contains 2,400 building societies, with a membership of 600,000 and funds amounting to \$300,000,000. These, like the building and loan associations of the United States, are only partially working class institutions. Outside of these societies, co-operative credit or banking has had slight development in Britain.

The New British Factory and Workshop Act.

Last year the British Parliament revised and consolidated all the factory laws passed since 1878, the result of which is a substantial code consisting of 163 sections, besides seven appended schedules, and filling more than 100 pages. The new act, which went into effect January 1, 1902, is divided into the following parts:

- Part I. Health and safety (ventilation, sanitary condition, fencing of machinery, fire-escapes, notice and investigation of accidents, etc.).
- Part II. Employment of women, minors and children.
- Part III. Education of children.
- Part IV. Dangerous and unhealthy industries.
- Part V. Special modifications and extensions (tenement factories, bake-houses, laundries, docks, buildings, railway sidings).

Part VI. Home work.

Part VII. Particulars of work and wages (*i. e.* notice of requirements as to standards, etc., to be given to pieceworkers).

Part VIII. Administration (inspection).

Part IX. Legal proceedings.

Part X. Supplementary (application, definition, repeal, etc.).
Schedules.

It is obviously impossible even to summarize the provisions of this comprehensive and complicated code in limited space, and it will suffice to direct attention to some of the more important changes made by the new act.

1. *Scope*.—Unlike American factory laws, the English act defines the industries to which the law applies. By the new act many additional industries are included in its application, namely, electrical works, canning factories and fish curing establishments, railway sidings belonging to factories, government workshops and factories, etc. On the other hand, the inspection of laundries and domestic workshops and bakeries has been remanded to the local authorities, under the supervision, however, of the home office.

2. *Dangerous and unhealthy trades*.—The most notable change introduced by the new law relates to the procedure of establishing special rules for the dangerous industries (trades using lead, phosphorus, arsenic, mercury, etc.). The act empowers the Secretary for Home Affairs to draft and publish regulations for such trades. But any employer or workman is entitled to offer objections to such regulations. If the Secretary accepts their criticism, he amends the rules and republishes them; if he does not accept them, he must hold a public inquiry or hearing at which all persons affected are entitled to appear. The rules, when made, must be laid before Parliament and may be annulled by either House within the next forty days.

3. *Hours*.—The amendment that aroused the largest measure of opposition in Parliament was a reduction in the hours of labor of the protected classes in textile factories. Heretofore the law permitted them to work not more than 56½ hours a week, and not later than one o'clock on Saturday. Now they may not work after twelve o'clock noon on Saturday, and hence not more than 55½ hours a week, which is a shorter week than that secured by legislation in any American State with the exception

of New Jersey (55 hours). The exemptions permitting overtime to be worked in canning factories and other industries dealing with perishable articles have been restricted; overtime has been reduced from 60 to 50 days in the year and from 5 to 3 days in the week.

4. *Home work*.—Stringent provisions were adopted to prevent women and children from taking work home from the factory. Manufacturers are required to send lists of out-workers to the municipal authorities twice a year. Where dangerous processes are carried on in domestic workshops, all the provisions of the factory law are to apply to the place as though it were a factory.

New Danish Factory Act.

According to a summary in the British Labor Gazette, a Danish law which went into effect January 1, 1902, prohibits the employment of children under 12 years of age in factories; the former limit having been 10 years. Children over 12 years, until they have fulfilled the requirements of the educational law, may be employed only 6 hours in each 24. They must not be employed before 6 a. m., or after 8 p. m., or during school hours, and must have a rest of 30 minutes. Children and minors under 18 years who have fulfilled the educational requirements may be employed between 6 a. m. and 8 p. m. for not more than 10 hours a day; every period of 4 and $4\frac{1}{2}$ hours of continuous employment being followed by an interval of rest of not less than one-half hour. As under the old law, no minors can be employed until their physical fitness has been certified to by a physician. The employment of women as well as children and minors may be restricted, or altogether prohibited, by the government in trades which the Factory Inspectors hold to be dangerous or injurious to the health of young persons.

The usual provisions are made for ventilation of workrooms, and as regards the amount of air space it is provided that a minimum of 282 cubic feet of air be allowed for each worker.

The Factory Inspection Staff is now to be organized into a Factory Department, at the head of which will be a Director appointed by the King with two secretaries, one of whom will be an expert in sociology and economics, and the other in

mechanical and technical matters. The number of inspectors is provisionally fixed at 20, and they may be of either sex. The Department also has the right to call upon employers to furnish statistics respecting the number, sex, age, state of health and earnings of their employees.

The new law also provides for the creation of an industrial council, composed of a president appointed by the King and eight other members, of whom three at least must be employers and three employees, appointed by the Minister of the Interior. The Director of the Factory Department is authorized to consult the Council on all matters in which his office is concerned. And the Council, on its own initiative, may investigate any question arising under the law and may make representation thereon to the Factory Inspector Department, and may also bring to the notice of the Minister of the Interior any suggestions which it may desire to offer regarding legislation or the protection of workmen.

Customary Wages in Germany, 1892 and 1902.

Under the government system of insurance against sickness and accident among workmen in Germany, the officials must ascertain the prevailing rates of wages in order to calculate the allowances due to incapacitated workers. While artisans' wages are commonly reported by employers, the wages of ordinary day laborers are ascertained by the administrative authorities in the various provinces and localities. The first of these wage censuses was taken on December 24, 1892, and was thereafter supplemented by annual statements until 1897, at the close of which an entirely new list was prepared. The third list or wage census, taken as of the 1st of January, 1902, was published not long since. In Berlin the common wage for day laborers was 72 cents; in Hamburg, Munich and Leipzig, the next largest cities, 75 cents, which was the highest average in any of the large cities with the exception of Frankfort (77 cents), Kiel (80 cents) and Bremen (87 cents). These rates all pertain to adult males; for women the rates in the large cities range from 27 cents (Halle) to 55 cents in Frankfort.

The following table* permits a comparison to be made of the variation in customary wages within the last decade:

	1892.			1902.			INCREASE IN 10 YEARS.	
	Low.	High.	Average.	Low.	High.	Average.	Actual.	Per cent.
<i>Men (Over 16 Years).</i>								
In 33 large cities.....	\$0 40	\$0 75	\$0 58	\$0 50	\$0 87	\$0 68	\$0 09	16
In 58 small cities.....	25	62	44	25	70	52	09	20
In 77 agr. dists. in West....	32	62	43	37	70	49	05	13
In 77 agr. dists. in East....	21	37	28	25	45	33	05	21
<i>Women (Over 16 Years).</i>								
In 33 large cities.....	25	50	34	27	54	40	05	14
In 58 small cities.....	17	45	28	17	45	33	05	19
In 77 agr. dists. in West....	22	45	30	25	53	33	03	11
In 77 agr. dists. in East....	12	25	17	14	27	21	04	21
<i>Boys Under 16.</i>								
In 33 large cities.....	16	37	28	25	45	33	05	19
In 58 small cities.....	12	37	22	12	42	27	05	22
In 77 agr. dists. in West....	15	40	24	18	40	28	04	16
In 77 agr. dists. in East....	11	20	15	12	30	18	03	24
<i>Girls Under 16.</i>								
In 33 large cities.....	10	25	21	15	37	25	03	16
In 58 small cities.....	10	25	18	10	35	21	03	18
In 77 agr. dists. in West....	12	30	19	15	30	22	03	14
In 77 agr. dists. in East....	09	18	11	10	20	13	03	25

NOTE.—These amounts somewhat overstate the actual wages, because in making the calculations in American denominations it is convenient to call the German Mark equivalent to 25 cents, which is \$.012 above its exchange value (23.8 cents). Thus, the highest daily wage paid to men in 1902 should be \$.83 instead of \$.87.....The large cities each exceeded 100,000 in population; the small cities had between 10,000 and 20,000 population.

Wages of Coal Miners in Belgium.

The Belgian bureau of labor statistics has published a volume of statistics respecting the wages of Belgian coal miners from October, 1896, to May, 1900. The statistics show a general increase amounting to 20 to 50 cents a day, thus:

CLASSES.	Number of Adult Coal Miners Who Earned the Specified Wages in	
	1896.	1900.
Less than 1.50 francs† (30 cents).....	155	8
From 1.50 to 1.99 francs (\$0.30 but less than \$0.40).....	861	119
From 2.00 to 2.49 francs (\$0.40 but less than \$0.50).....	2,860	643
From 2.50 to 2.99 francs (\$0.50 but less than \$0.60).....	7,660	1,492
From 3.00 to 3.49 francs (\$0.60 but less than \$0.70).....	16,456	3,084
From 3.50 to 3.99 francs (\$0.70 but less than \$0.80).....	13,444	5,706
From 4.00 to 4.49 francs (\$0.80 but less than \$0.90).....	11,235	12,077
From 4.50 to 4.99 francs (\$0.90 but less than \$1).....	5,057	11,850
From 5.00 to 7.49 francs (\$1 but less than \$1.50).....	3,565	21,184
From 7.50 to 9.99 francs (\$1.50 but less than \$2).....	6	5,402
10.00 francs and over (\$2 and upwards).....	0	391
Total.....	61,299	71,955

* Compiled from *Société Praxia*, of April 10, 1902.

† The franc is worth 19.3 cents, but is here reduced to American monetary terms at 20 cents.

In 1896 one-half the miners earned more than 70 cents a day, while in 1900 one-half earned upwards of \$1 a day. The difference (30 cents) is probably as exact an expression of the average increase as can be obtained. Especially noteworthy is the fact that while in 1896, about 20 per cent of the miners earned less than 60 cents a day, in 1900 the proportion was only 2 per cent; while, on the other hand, nearly 6,000 miners or eight per cent of the total earned upwards of \$1.50 a day in 1900 as compared with the almost negligible number of 6 in 1896.

The Course of Wages in England.

In the ninth annual report on Changes in Rates of Wages and Hours of Labor in the United Kingdom (1901), the head of the British Labor Department reviews the course of wages in the following words:

"For the first time since 1895 a decline in wages has to be recorded. In 1896 an upward movement began which culminated in 1900, when the general level of wages stood higher than in any other year for which statistics exist. It was, however, stated in the introductory note to the Eighth Report that towards the end of 1900 signs were not wanting that the period of rising wages was drawing to a close. The statistics given in the present Report confirm this forecast.

"In the industries for which it is possible to obtain definite statistics it is found that about 430,000 workpeople received advances during the year amounting to £41,000 (\$205,000) per week, while 493,000 sustained decreases amounting to £118,000 (\$590,000) per week. The net weekly decrease for 1901 was accordingly £77,000 (\$385,000), which compares with *increases* of £209,000 (\$1,045,000) in 1900 and of £91,000 (\$451,000) in 1899.

"The decline is accounted for mainly by the fall in miners' wages, the rise in which was the predominant feature of the statistics for the year 1898-1900. The fall in wages in this industry accounted for over 80 per cent of the total weekly decrease in 1901. A considerable decline also occurred in the metal trades, but in the remaining industries the net result for the year was a slight increase.

"It is estimated that, taking into account the various dates at which the changes came into operation, the net decrease in the wages bill of 1901 due to changes recorded in this Report was about £1,584,000 (\$7,920,000). This compares with a net *increase* of £6,000,000 (\$30,000,000) in 1900.

"As regards the methods by which the changes have been arranged, it is satisfactory to note the increased tendency to settle changes in wages by conciliation or arbitration. During 1901 only two per cent of the workpeople whose wages were changed were engaged in disputes on this account. This percentage is the lowest recorded. In the case of three-fourths of the workpeople, the changes were arranged by conciliation, arbitration, wages boards, sliding scales, and similar machinery. This fact is, of course, connected with the prevalence of agencies of this kind in

the coal and iron trades, which were those most affected by wages-changes in 1901.

"During the first half of 1902 the fall in wages in the mining industry has continued and become even more widespread, the total number of miners affected by reductions in this period having been no less than 625,000. On the other hand, the fall in wages in the metal trades has been much less noticeable than in 1901, and no other groups of trades show a decline."

The Labor Market in Germany.*

The period of prosperity which began in Germany in 1895 reached its highest point in 1899, and early in 1900 gave way to lessened production and a diminishing demand for labor. The proportion of working people unemployed was not unusually large for the whole year, 1900, but it was rapidly increasing, and in 1901 attained almost unprecedented figures; thus the number of applicants for positions at the public employment offices, compared with each 100 places open, was 119 in 1898, 107 in 1899, 118 in 1900, and 164 in 1901.† Lack of work caused considerable distress among working people in the winter of 1900-1901, and vastly more in 1901-2. The highest degree of unemployment was in December, 1901, when, as may be seen in the following table, there were 241 seekers after work for every 100 places offered by employers:

MONTHLY NUMBER OF APPLICATIONS FOR EMPLOYMENT COMPARED WITH 100 POSITIONS OPEN.											
	Jan.	Feb.	Mch.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov. Dec.
1898	149.9	134.2	103.5	108.6	114.1	113.0	112.5	108.5	98.3	114.8	135.9 134.2
1899	133.0	113.8	87.7	99.0	101.3	93.0	100.5	94.1	97.8	104.9	130.9 124.3
1900	126.3	113.1	99.8	93.4	106.6	108.8	122.2	107.5	110.5	135.3	169.3 177.9
1901	165.8	146.8	122.2	141.4	145.9	148.7	160.9	150.2	147.5	198.1	223.9 240.6
1902	220.2	208.3	148.9	147.5	172.0	167.8	163.4	.....	.....	.....	.....

The depression first manifested itself in the construction and building material industries, factory owners having ceased to enlarge their plants, while citizens and investors deferred the erection of dwelling houses on account of disturbances wrought in the money market by the failure of several prominent mortgage banks, which had gone too far in speculations. The iron and steel industries, especially the electrical machinery industry,

*Statistics from *Arbeitsmarkt*, Berlin.

†The summary for 1900 and 1901 is as follows:

	1900.	1901.
Applicants for employment.....	616,458	837,664
Applicants for help.....	522,906	511,271
Workmen per 100 situations.....	117.7	163.8
Situations secured	356,152	366,474

were included in the trades thus affected by the curtailment of building operations, and the Westphalian district, the center of the iron and steel industry, still suffers acutely. The depression has spread to other industries and localities, and in most of the larger cities public works of relief have been undertaken to meet the problem of enforced idleness, while in towns where unemployment has not yet attained large dimensions the public officials are in anticipation drawing up plans and regulations for emergency works.

Until July the number of unemployed considerably increased, comparing month for month of this year with preceding years; and while in July the progressive increase of idleness was much smaller than common, the signs point to another distressful winter in the industrial centers.

Problems of the Unemployed in Switzerland.

The Swiss Workingmen's Secretariat has made a report to the federal Department of Industry on the question of unemployment,* in which particular attention is given to the various methods proposed for the aid of unemployed workmen through the intervention of governing authorities. The recommendations may be summarized as follows:

(1) For the prevention of enforced idleness, the Secretariat holds that some influence might be exerted by the formation under governmental regulations of voluntary associations of employers and employees for shortening the hours of work and reducing the number of apprentices. And instead of permitting overtime, factory inspectors and trade unions should endeavor to secure the engagement of unemployed workers.

(2) The federal and local governments should prepare plans for needed public works to be undertaken in times of depression and thus furnish employment to many of the laborers out of work.

(3) Discharged workmen should be supported by the local authorities when through no fault of their own they remain unemployed. Such aid should be given as of right and not as a charity, and should not be extended to tramps or indeed to any workers excepting such as have legal settlement in the locality.

* *Arbeitslosen-Unterstützung und Arbeitsnachweis.* Pp. 237. Zürich, 1901.

(4) The report does not regard with favor the scheme of compulsory insurance against worklessness, but strongly urges the workers to secure such insurance through their own trade unions. Such funds should be aided by state subventions.

(5) Private employment agencies should be prohibited, or at least subjected to the strictest supervision and control on the part of the state. Public employment offices should be established in each town and entrusted to the administration of a joint committee of employers and employees. A federal labor exchange should be established to act as a central clearing house for the local exchanges.

Minor recommendations include the reduction of railroad fares for workmen obliged to travel to new workplaces and a stricter control over the conditions under which public contracts are let.

Employment Agencies in France.

The French bureau of labor has lately published a second report on employment agencies in France,* which yield the following comparisons:

INSTITUTIONS.	REPORT 1891-2.			REPORT 1897-8.			
	Number bureaus report- ing.	Number of situations se- cured in		Number of bureaus	Report- ing.	Number of situations se- cured in	
		All France.	Paris.†			All France.	Paris.†
Authorized private agencies.	994	821,000	566,000	1,455	1,399	935,000	493,000
Municipal agencies.....	24	11,000	10,000	51	45	64,000	55,000
Trade unions, labor ex- changes, etc	354	101,000	42,000	463	205	121,000	36,000
Employers' associations	54	19,000	14,000	105	52	21,000	12,000
Mixed associations	13	3,500	1,500	24	10	4,000	200
Mutual aid societies	59	34,000	27,000	.....	126	46,000	41,000
Charity organizations	76	133,000	124,000	452	189	55,100	32,600
Total	1,574	1,122,500	784,500	2,550	2,026	1,246,100	669,800

Owing to the incompleteness of the returns for the provinces, it would be unsafe to infer that private employment offices have increased in number as much as the figures indicate. But it is clear that they are the principal institutions for bringing together employer and employee, although the municipal agencies (which are largely confined to Paris) are of increasing importance.

* Second enquête sur le placement des employés, des ouvriers et des domestiques. Paris, 1901.

† Strictly, the Department of the Seine, which is slightly larger than the city of Paris.

Miscellaneous Publications of Labor Bureaus.

The French bureau of labor has issued a report on dangerous trades,* in which it treats of the dangers to health incurred by workers in lead, copper, zinc, mercury, arsenic, phosphorus, aniline, benzine, tobacco, and many other materials. Nearly 200 of the 449 pages contained in the report are devoted to the reproduction of the statutes enacted in various countries for the protection of workpeople engaged in the dangerous trades.

The leading articles in the recent Bulletins of the Massachusetts Bureau of Statistics of Labor are as follows: *November*.—Statistics of retail trade in four Massachusetts cities; an historical note on the eight-hour movement; extracts from the report of the New South Wales commission on compulsory arbitration. *February*.—The physically defective population in Massachusetts in relation to industry; distribution of the industrial population of Massachusetts. *May*.—Rates of wages in city employment, and Progress of Co-operation in Great Britain. *August*.—Leading Court Decisions Relating to Labor in 1901; directory of labor organizations in Massachusetts.

The principal articles in the recent issues of the Bulletin of the United States Department of Labor have been the following: *January*.—Labor Conditions in Mexico, by Dr. Walter E. Weyl; The Negroes of Cincinlare Central Factory and Calumet Plantation, Louisiana, by J. B. Laws; The Quebec Trade Disputes Act. *March*.—Course of Wholesale Prices, 1890–1901. *May*.—Present Condition of the Hand-working and Domestic Industries of Germany, by Dr. H. J. Harris; a chart or syllabus of workmen's compensation acts of foreign countries, based on the Seventeenth Annual Report of the New York Bureau of Labor Statistics; Working of Compulsory Arbitration Laws in New Zealand and Victoria, Australia, being extracts from the report of the New South Wales Commission of Inquiry, and the text of the New South Wales compulsory arbitration act, passed soon after the receipt of that report. *July*.—Labor Conditions in Cuba, by Dr. Victor S. Clark; Beef Prices, by F. O. Croxton, and "The True Reformers," by Dr. Wm. T. Thorn. The *September* Bulletin is

* *Poisons Industriels, Paris, 1901.*

regularly devoted to the statistics of cities of 30,000 or more inhabitants, under authority of an act of Congress of 1898.

The British Labor Department has issued its second "Annual Abstract of Foreign Labor Statistics," which is one of the most valuable publications in the field of social movements. This year's edition is much enlarged and besides embracing more countries than heretofore it treats of three new subjects, namely, Trade Unions, Conciliation and Arbitration, and Workmen's Insurance. Japan has been added to the countries represented in the tables of wages and Denmark in those treating of co-operation and trade disputes. Ten countries are represented in the tables concerning hours of labor, many of which however are rather old figures. Recognizing the different statistical methods followed in the various countries in compiling wages and other labor statistics, the British Labor Department does not attempt any comparative tables.

The Belgian bureau of labor has published a report upon the use of small electric motors in three home industries,—watch making in Switzerland, silk weaving at Lyons, and the ribbon manufacture at St. Etienne.* The conclusions reached by the investigators are that "the introduction of the electric motor in small workshops at home is a progressive step,—with individual rather than social benefits, however; that it may in some cases diminish the undesirable consequences of inevitable industrial transformation, but that it cannot be regarded as a very important force toward decentralization" (page 280). The authors declare that the essential advantage of the large factory is to be sought in the minute division of the work rather than in the economy of mechanical power. Hence no scheme for the distribution of power can compensate the home worker for the disadvantage under which he works as an isolated producer.

OVERTIME PERMITS IN AUSTRIAN FACTORIES.

The Austrian bureau of labor statistics has issued a report on "Arbeitszeit-verlängerungen im Jahre, 1901, in Fabrik-

* Les moteurs électriques dans les industries à domicile; rapport par MM. Ernest Dubois et Armand Julin. Bruxelles, 1902.

mässigen Betrieben," from which is taken the following table showing the number of permits granted to factory owners to work overtime (more than eleven hours a day):

YEAR.	Estab- lishments.	Permits.	NUMBER OF EMPLOYEES.		Aggregate number of hours worked overtime.
			Total.	Working overtime.	
1897	470	809	108,814	33,571	1,960,123
1898	577	1,036	138,769	44,042	2,612,988
1899	652	1,214	138,162	61,510	4,462,614
1900	501	902	104,184	43,481	3,329,170
1901	546	1,014	106,148	38,371	2,664,855

From this record it appears that 1899 was much the busiest of the last five years for Austrian factories.

HOURS OF WORK IN GERMAN OFFICES, BANKS, ETC.

The first report published by the German Kommission für Arbeiterstatistik appeared this summer as No. 11 of its enquêtes. It is also the first statistical document drawn up in the division of labor statistics in the imperial statistical bureau, a division recently established by the legislature, and which, with an advisory council of twelve members, is to perform the functions of a bureau of labor. Report No. 11 is concerned with the hours of labor of clerks and apprentices in offices and business houses.* The investigation covered 13,673 establishments and 69,686 employees, whose working day was ascertained to be as follows:

	Establishments.	Employees.	Percentage.
Not more than 9 hours.....	6,818	40,530	58.0
Over 9 to 10 hours.....	4,040	20,292	29.2
Over 10 to 11 hours.....	2,085	7,042	10.2
More than 11 hours.....	730	1,822	2.6
Total.....	13,673	69,686	100.0

Compared with the working time of German mechanics and artizans these hours are very favorable, as 58 per cent of the above-mentioned clerical employees work not to exceed 9 hours

* Erhebung über die arbeitszeit der gehülphen und lehrlinge in solchen kotoren des handelgewerbes und kaufmännischen betrieben, die nicht mit offenen verkaufsstellen verbunden sind. Veranstatlet im September, 1901.

a day, and 87.2 per cent 10 hours or less, while less than 3 per cent work more than 11 hours daily.

As generally happens, the largest establishments and largest cities had the shortest hours. Among the various industries banks and insurance offices have the shortest hours, while the longest hours are found in the offices of firms engaged in building enterprises.

APPENDIX.

TABLES.

A. BUREAU OF LABOR STATISTICS.

Employment and Idleness in 187 Representative Trade Unions, January to July, 1901:

- Table I. Number of members and members idle.
 II. Percentage of members idle.
 III. Causes of idleness at the end of July.
 IV. Membership and idleness in March and June, 1901.

B. BUREAU OF FACTORY INSPECTION—APRIL, MAY AND JUNE.

- Table V. Work of the deputy factory inspectors.
 VI. Licenses for tenement manufacture.
 VII. Accidents reported.

C. BUREAU OF MEDIATION AND ARBITRATION.

- Table VIII. Industrial disputes in April, May and June.

TABLE I.—MEMBERSHIP AND IDLENESS IN 187

INDUSTRIES.	Number of unions.	Sex.	MEMBERSHIP			
			January.	February.	March.	April.
1. Building, Etc.....	48	M	27,459	27,865	28,440	28,242
Stone working.....	4	M	2,909	2,990	3,000	2,950
Brick and cement making.....	1	M	142	146	145	95
Building and paving trades.....	39	M	22,094	23,005	23,155	22,992
Building and street labor.....	4	M	1,714	1,654	2,140	2,175
2. Clothing and Textiles.....	27	M	16,480	16,741	16,805	16,771
		F	2,810	2,594	2,540	2,532
Garments.....	16	M	14,448	14,729	14,775	14,780
		F	2,394	2,434	2,530	2,680
Hats, caps and furs.....	3	M	788	792	810	806
Shirts, collars, cuffs and laundry.....	1	M	28	—	—	—
Boots, shoes, gloves, etc.....	4	M	820	815	820	797
		F	266	280	280	252
Textiles.....	3	M	296	405	400	418
		F	150	150	150	150
3. Metals, Machinery, Etc.....	21	M	11,831	11,547	11,122	11,090
Iron and steel.....	21	M	7,210	7,243	6,958	7,713
Other metals.....	4	M	1,005	1,229	1,816	1,301
Engineers and firemen.....	5	M	2,747	2,655	2,433	2,230
Shipbuilding.....	1	M	419	420	416	416
4. Transportation.....	20	M	13,006	12,856	12,048	12,594
Railroads.....	21	M	4,872	5,067	5,457	4,675
Street railways.....	2	M	2,380	2,370	2,518	2,524
Seamen, pilots, etc.....	1	M	3,006	3,000	1,700	5,000
Freight handlers, truckmen, etc.....	6	M	2,374	2,419	2,373	2,305
5. Printing, Binding, Etc.....	8	M	10,167	10,138	10,077	10,181
		F	198	106	105	108
6. Tobacco.....	4	M	2,102	2,046	2,112	2,044
		F	101	80	98	141
7. Food and Liquors.....	11	M	3,288	3,208	3,226	3,244
Food preparation.....	6	M	1,103	1,132	1,146	1,160
Malt liquors and mineral waters.....	5	M	2,185	2,076	2,180	2,185
8. Theaters and Music.....	3	M	1,112	1,112	1,092	1,092
		F	6	7	6	6
9. Wood Working and Furniture.....	8	M	2,402	2,422	2,538	2,551
10. Restaurants and Retail Trade.....	8	M	1,910	1,978	2,042	1,579
		F	36	36	20	20
Hotels and restaurants.....	5	M	1,292	1,335	1,398	1,106
Retail trade.....	3	M	618	643	644	473
		F	36	36	20	20
11. Public Employment.....	2	M	1,833	1,824	1,855	1,855
12. Miscellaneous.....	7	M	1,288	1,248	1,265	1,268
		F	—	—	—	—
Glass.....	1	M	236	236	236	236
Barbering.....	2	M	436	436	436	450
Other distinct trades.....	2	M	211	201	307	243
		F	—	—	—	—
Mixed employment.....	2	M	400	375	375	280
GRAND TOTAL.....	187	M	93,022	93,994	92,725	92,538
		F	3,150	3,133	3,163	3,207
		T	96,173	97,126	95,888	95,740

REPRESENTATIVE UNIONS, JANUARY TO JULY, 1902.

AT END OF—			MEMBERS IDLE AT END OF—						
May.	June.	July.	January.	February.	March.	April.	May.	June.	July.
28,822	28,555	28,778	9,227	9,560	6,682	5,415	2,829	4,020	2,700
3,173	3,150	3,224	1,089	680	745	780	439	913	14
23,669	23,420	23,558	7,729	8,312	5,617	4,125	3,275	3,027	2,481
1,960	1,976	2,000	292	422	270	466	115	80	185
16,048	16,078	17,806	2,222	984	2,641	4,635	4,188	4,217	6,852
3,575	3,188	3,666	507	182	680	807	1,445	1,146	979
14,081	14,162	15,815	2,041	805	2,512	4,570	4,083	4,225	6,256
2,875	2,788	3,164	477	101	660	800	1,445	1,184	979
820	829	802	74	118	105	50	103	66	52
780	675	775	20					6	
850	850	858						22	
417	412	414	87	11	24	15	2	10	14
150	150	150	30	26	20				
11,508	11,574	11,690	859	828	524	246	205	268	472
7,273	7,391	7,408	146	154	142	138	108	143	210
1,280	1,320	1,400	47	78	73	95	21	106	129
2,510	2,438	2,465	591	556	289	5	94	36	66
440	415	417	75	40	20	10	22	83	67
12,422	12,595	14,151	2,227	2,625	2,646	1,871	2,140	1,982	1,182
4,735	4,977	4,959	168	189	152	244	489	466	405
3,522	3,370	3,576	110	806	332	172	61	110	16
3,000	3,000	3,400	2,800	2,800	1,700	500	1,000	800	150
2,165	2,218	2,216	149	880	462	455	590	606	561
10,147	10,269	10,318	1,214	1,287	1,453	1,325	917	1,311	1,379
112	115	116	46	24	40	32	26	32	36
2,027	2,101	2,111	95	81	98	170	92	94	92
110	112	112	3	10	8	23	7	7	8
2,098	2,540	2,439	268	242	267	282	162	190	391
457	950	969	139	121	132	147	71	95	123
2,241	2,590	2,520	129	121	135	135	91	96	268
992	1,145	1,145	150	146	105	57	2	201	334
5	5	7							
2,615	2,708	2,764	784	849	483	493	371	401	514
1,850	1,837	1,974	149	141	100	196	67	46	40
20	20	20		3					
1,877	1,393	1,521	134	119	80	196	62	35	34
473	444	453	15	22	20		5	11	6
20	20	20		3					
1,796	1,880	1,827	67	69	40	24	26	121	109
1,308	1,334	1,345	287	213	73	20	6	11	298
	9	9							
243	243	243	16		2				243
430	433	421	16	13	1	20	6	11	10
320	343	355							
	9								
315	315	326	255	200	70				45
92,628	94,561	97,392	19,559	17,975	16,110	14,244	12,115	12,062	14,813
3,680	3,459	3,820	566	173	623	855	1,476	1,185	1,023
97,148	98,020	101,223	20,115	18,148	16,738	15,099	13,591	14,247	15,836

TABLE II.—PERCENTAGE OF MEMBERS IDLE IN 188 REPRESENTATIVE UNIONS.

INDUSTRIES.	PERCENTAGE OF IDLE MEMBERS AT END OF—						
	Jan.	Feb.	March.	April.	May.	June.	July.
1. Building, Etc.....	22.6	24.2	22.5	19.1	12.2	14.1	12.9
Stone working.....	27.4	22.5	24.2	25.2	12.5	29.0	6.4
Brick and cement making.....	29.4	26.2	24.6	27.4	.....	.....	.....
Building and paving trades.....	24.1	25.1	24.2	17.9	12.2	12.9	14.2
Building and street labor.....	17.0	25.5	12.6	21.4	5.2	4.1	9.2
2. Clothing and Textiles.....	19.6	5.6	21.7	27.6	26.1	26.9	25.7
{ 18.0	4.4	19.7	27.3	44.1	26.2	27.5	.....
Garments.....	21.0	5.5	25.2	20.9	29.1	29.9	26.7
Hats, caps and furs.....	19.2	4.1	22.1	21.6	20.2	20.2	20.7
Shirts, collars and laundry.....	9.4	14.2	12.0	6.2	12.6	8.0	6.5
Boots, shoes, gloves, etc.....	71.4	.....	.....	.....	.....	.....	.....
{ 0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
{ 0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Textiles.....	22.0	2.7	8.0	2.6	0.6	2.4	2.4
{ 20.0	16.7	22.5	0.0	0.0	0.0	0.0	0.0
3. Metals, Machinery, Etc.....	7.5	7.2	4.7	2.2	2.7	2.2	4.0
Iron and steel.....	2.0	2.1	2.9	1.9	2.2	1.9	2.2
Other metals.....	4.7	6.2	5.5	7.3	1.6	8.0	9.2
Engineers and firemen.....	21.5	20.9	11.9	0.2	2.7	1.5	2.7
Shipbuilding.....	17.9	9.5	4.2	2.4	2.0	20.0	16.1
4. Transportation.....	22.7	22.2	20.2	8.2	15.9	14.6	2.0
Railroads.....	2.5	2.7	2.2	5.2	10.2	9.4	2.2
Street railways.....	2.2	2.1	2.4	4.9	1.7	2.2	0.4
Seamen, pilots, etc.....	22.3	22.2	100.0	10.0	22.2	22.7	4.4
Freight handlers, etc.....	6.2	12.7	19.6	19.7	27.2	27.0	22.2
5. Printing, Binding, Etc.....	11.9	12.7	14.4	12.0	2.0	12.2	12.4
{ 22.2	22.1	22.1	22.2	22.2	22.2	22.2	21.0
6. Tobacco.....	4.5	4.0	4.5	2.2	4.5	4.5	4.4
{ 2.0	11.1	2.7	16.2	6.4	6.2	7.1	.....
7. Food and Liquors.....	2.2	7.5	2.0	2.4	5.2	5.4	11.2
Food preparation.....	12.6	10.7	11.5	12.7	2.2	10.0	12.7
Malt liquors and mineral waters.....	5.9	5.2	6.2	6.2	4.1	2.7	10.6
8. Theaters and Music.....	12.5	12.1	9.6	5.2	0.2	17.6	22.2
{ 0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
9. Wood Working & Furniture.....	22.6	22.1	19.0	19.2	14.2	14.2	12.0
10. Restaurants & Retail Trade.....	7.2	7.1	4.9	12.4	2.6	2.5	2.0
{ 0.0	2.6	0.0	0.0	0.0	0.0	0.0	0.0
Hotels and restaurants.....	10.4	2.9	2.7	17.7	4.2	2.5	2.2
Retail trade.....	2.4	2.4	2.1	.....	1.1	2.5	1.2
{ 0.0	2.6	0.0	0.0	0.0	0.0	0.0	0.0
11. Public Employment.....	2.7	2.2	2.2	1.2	2.0	6.6	0.0
12. Miscellaneous.....	22.4	17.1	5.2	1.7	0.5	0.2	22.2
{ 6.2	.....	0.0	0.0	0.0	0.0	0.0	0.0
Glass.....	2.7	2.0	0.2	4.4	1.4	2.5	2.4
Barbering.....	.....	.....	.....	0.0	0.0	0.0	0.0
Other distinct trades.....	.....	.....	.....	.....	.....	0.0	0.0
Mixed employment.....	22.2	22.2	12.7	0.0	0.0	0.0	12.2
GRAND TOTAL.....	21.0	19.1	17.2	14.9	12.9	12.2	12.2
{ 17.7	22.2	22.2	22.2	22.2	22.2	22.2	22.2
{ 20.9	12.7	17.2	12.2	12.2	12.2	12.2	12.2

TABLE III.—CAUSES OF IDLENESS AT THE END OF JULY.

INDUSTRIES.	Sex.	NUMBER OF MEMBERS IDLE BECAUSE OF—						Total idle.
		Slack work.	Weather or lack of materials.	Strike or lockout.	Sickness, old age.	Other reasons.	Cause not stated.	
1. Building, Etc	M	1,640	1,464	204	269	93		2,700
Stone working	M				6	8		14
Building and paving trades	M	1,590	1,380	204	253	85		2,401
Building and street labor	M	70	95		30			195
2. Clothing and Textiles	M	552		5,549	227	14		6,332
Garments	F	309		575	102			979
Hats, caps and furs	M	525		5,549	212			6,286
Boots, shoes, gloves, etc	F	302		575	102			979
Boots, shoes, gloves, etc	M	27			25			52
Textiles	M					14		14
Textiles	F							
Textiles	F							
3. Metals, Machinery, Etc	M	231	23	12	91	42	72	472
Iron and steel	M	53	20	12	77	42	5	210
Other metals	M	115	3		11			129
Engineers and firemen	M	63			3			66
Shipbuilding	M						67	67
4. Transportation	M	633	1	325	115	26	32	1,122
Railroads	M	123		190	104	17	32	405
Street railways	M				7	9		16
Seamen, pilots, etc	M	146			4			150
Freight handlers, etc	M	365	1	195				561
5. Printing	M	1,036			269	54		1,379
Printing	F	24			2			26
6. Tobacco	M	25	18		11	29		92
Tobacco	F	6				2		8
7. Food and Liquors	M	149		25	17	200		391
Food preparation	M	89		25	8			123
Malt liquors and mineral waters	M	60			8	200		268
8. Theaters and Music	M	210	4		20			234
9. Wood Working & Furniture	M	412	27		69	6		514
10. Restaurants & Retail Trade	M	36			4			40
Hotels and restaurants	F				4			4
Retail trade	M	30			4			34
Retail trade	F	6						6
11. Public Employment	M	75			20	4		109
12. Miscellaneous	M	50	243		5			298
Glass	F		243					243
Barbering	M	5			5			10
Other distinct trades	M							
Mixed employment	F							
Mixed employment	M	45						45
GRAND TOTAL	M	5,159	1,780	6,115	1,177	478	104	14,812
GRAND TOTAL	F	249	575	104	2			1,033
GRAND TOTAL	T	5,501	1,780	6,690	1,281	480	104	15,836

TABLE IV.—IDLENESS AT THE END OF MARCH AND JUNE, 1901.

INDUSTRIES.	Sex.	MARCH, 1901.			JUNE, 1901.		
		Mem- bers.*	Number idle.	Per cent idle.	Mem- bers.*	Number idle.	Per cent idle.
1. Building, Etc.....	M	28,492	7,689	30.9	27,168	4,466	16.4
Stone working.....	M	2,425	350	14.4	2,511	.....	0.0
Brick and cement making.....	M	150	.....	0.0	142	96	67.6
Building and paving trades.....	M	20,567	6,862	33.3	22,965	3,820	17.1
Building and street labor.....	M	1,750	487	27.8	2,150	550	25.6
2. Clothing and Textiles.....	M	9,275	2,847	30.4	9,868	4,078	41.3
.....	F	2,198	641	29.2	2,471	662	26.8
Garments.....	M	7,511	2,443	32.5	7,967	3,775	47.4
.....	F	2,043	566	27.6	3,164	622	19.7
Hats, caps and furs.....	M	783	338	42.5	770	50	6.5
Boots, shoes, gloves, etc.....	M	666	.....	0.0	770	.....	0.0
.....	F	.....	.....	.....	160	.....	0.0
Textiles.....	M	415	71	17.1	361	251	69.5
.....	F	160	75	46.0	167	40	25.5
3. Metals, Machinery, Etc.....	M	9,370	1,038	11.1	10,338	992	9.6
Iron and steel.....	M	6,583	625	9.5	7,080	925	13.2
Other metals.....	M	585	28	4.4	640	10	1.6
Engineers and firemen.....	M	1,852	325	18.1	2,185	55	2.5
Shipbuilding.....	M	350	50	14.3	483	8	0.6
4. Transportation.....	M	10,713	2,536	23.7	12,614	300	2.4
Railroads.....	M	4,643	183	3.9	5,692	74	1.3
Street railways.....	M	3,050	90	3.0	3,190	1	0.0
Seamen, pilots, etc.....	M	2,000	3,000	100.0	2,600	100	3.8
Freight handlers, etc.....	M	1,020	263	25.8	1,132	125	11.0
5. Printing, Binding, Etc.....	M	9,760	1,044	10.7	9,571	1,287	13.4
.....	F	23	25	26.9	91	23	25.3
6. Tobacco.....	M	2,013	123	6.1	2,025	118	5.8
.....	F	129	.....	0.0	180	.....	0.0
7. Food and Liquors.....	M	2,249	624	19.2	3,062	186	6.1
Food preparation.....	M	1,314	470	35.8	1,103	85	7.7
Malt liquors and mineral waters.....	M	1,935	154	8.0	1,959	101	5.2
8. Theaters and Music.....	M	1,029	.....	0.0	1,092	310	28.4
.....	F	7	.....	0.0	5	.....	0.0
9. Wood Working and Furniture.....	M	2,644	571	21.6	2,906	472	16.2
10. Restaurants and Retail Trade.....	M	2,019	253	17.5	2,043	25	1.2
Hotels and restaurants.....	F	6	.....	0.0	.....	.....	.....
.....	M	1,330	278	20.9	1,320	25	1.9
Retail trade.....	M	689	75	10.9	723	.....	0.0
.....	F	6	.....	0.0	.....	.....	.....
11. Public Employment.....	M	1,726	60	3.5	1,751	.....	0.0
12. Miscellaneous.....	M	1,353	517	38.2	1,230	107	8.7
Glass.....	M	220	42	19.0	220	.....	.....
Barbering.....	M	446	.....	0.0	449	6	1.3
Other distinct trades.....	M	59	.....	0.0	211	1	0.0
Mixed employment.....	M	628	475	75.6	350	100	28.6
GRAND TOTAL.....	M	78,143	17,400	22.3	88,668	12,340	14.7
.....	F	2,453	668	27.1	2,637	686	25.6
.....	T	80,576	18,068	22.4	86,355	13,026	15.1

* Includes only those members who reported themselves as working or not working.

BUREAU OF FACTORY INSPECTION—SECOND QUARTER, 1902.

Table V.—Work of Deputy Factory Inspectors.

	April.	May.	June.	Total.
Factories inspected.....	256	2,563	4,359	7,168
Tenement workshops (front).....	613	74	69	756
Tenement workshops (rear).....	290	64	26	380
Bakeries and confectionery establishments.....	21	538	623	1,182
Total factory inspections.....	1,180	3,229	5,077	9,495
Mines and quarries.....				
Tenement workrooms.....	6,940	753	401	8,094
Unlicensed places found.....	54	24	17	95
License applications investigated.....	1,795	1,070	1,092	3,957
License applications reinvestigated.....	116	52	31	199
License refusals investigated.....	146	127	46	319
Tagging cases.....	27	15	18	55
Places found closed, burned, removed, etc.:				
Factories and workshops.....	123	264	639	1,026
Tenement workrooms.....	3,962	410	126	4,498
License applicants.....	108	95	110	313
Prosecutions.....	4	4	6	14
Complaints investigated.....	59	64	46	169
Compliances with orders investigated.....	13	295	107	415
Accidents investigated.....	4	4	4	12
Statistical reports collected.....	18	116	250	384

Table VI.—Licenses for Tenement Manufacture.

	New York City.	Remainder of State.	Total.
Applications for license investigated.....	3,780	177	3,957
Number of licenses issued:			
To applicants not previously licensed.....	2,368	99	2,467
To persons previously licensed but removed, etc.	1,223	68	1,295
Total.....	3,591	167	3,758
Number of licenses refused.....	408		408
Number of licenses revoked.....	103		103
Licenses returned upon change of residence.....	4,644	68	4,712
Licenses returned upon cessation of work.....	116	10	126
Total licenses outstanding March 31, 1902.....	21,974	8,911	30,885
Net increase, April-June, 1902.....	*1,272	89	*1,183
Outstanding June 30, 1902.....	20,702	9,000	29,702

* Decrease.

Table VII.—Accidents Reported

	I. Stone and clay products.	II. Metals, hardware, machinery, ship- building.	III. Wood.	IV. Leather, rubber, etc.
A. SEX AND AGE OF EMPLOYEES INJURED:				
Males { Under 15 years.....		3	1	1
15 and under 16.....		5		1
16 and under 18.....		25	10	5
18 and over.....	18	495	58	12
Age not stated.....	1	10	2	
Total.....	19	548	71	19
Females { Under 15.....				
16 years and over.....		4		
Age not stated.....		1		
Total.....		5		
Grand total.....	19	553	71	19
B. CAUSES OF ACCIDENTS.				
1. Machinery:				
Gearing, belts, shafting, pulleys, etc.....	3	40	1	2
Elevators, hoists, cranes.....	1	25	2	2
Saws, planers, lathes (power).....		60	48	
Presses, stamping machines.....		98	1	3
Emery wheels, buffers.....		30		
Cotton and woolen machines.....				
Other machines and machine tools.....		68	13	7
Total—Machinery.....	3	321	65	14
2. Other causes:				
Hand tools (axes, saws, hammers, etc.).....	1	36	1	2
Explosives of all kinds.....		6		
Hot liquids, acids, steam, molten metal, etc.....	6	26		
Collapse of building, falling objects, etc.....	8	85	2	
Fall of person.....		27	2	2
Loading, unloading, by hand.....	4	23	1	
Vehicles, and accidents caused by horses.....	2	4		1
All others.....		25		
Grand total.....	19	553	71	19
C. RESULTS OF ACCIDENTS.				
1. Temporary disablement:				
Lacerations.....	1	73	9	3
Burns, scalds, etc.....	5	34	1	
Cuts.....	2	151	23	3
Bruiises.....	7	141	6	1
Sprains and dislocations.....	1	14		
Fractures.....	2	36	4	3
Other.....		16	1	1
Total.....	18	455	44	11
2. Permanent disablement:				
Loss of one—				
Partial { Eye.....		3		1
Limb.....		3	1	
Hand or foot.....		5	3	2
Other.....		71	20	4
Loss of both—				
Total { Eyes.....				
Limbs.....			1	
Hands or feet.....				
Internal injuries.....				
Total.....		82	25	7
3. Death.....	1	6	3	
4. Not reported.....				1
Grand total.....	19	553	71	19

in the Second Quarter, 1902.

V.	VI.	VII.	VIII.	IX.	X.	XI.	XII.	Total.
Chemicals, oils, paints.	Paper and pulp.	Printing and paper goods.	Textiles.	Clothing, millinery, laundrying.	Food, tobacco, liquors.	Water, gas, electricity.	Building.	
.....	.....	.....	2	1	.....	.....	.....	8
2	.....	1	8	1	.....	.....	.....	18
1	1	8	5	3	2	.....	.....	70
51	17	20	92	5	5	2	.....	775
18	.....	1	1	.....	.....	.....	.....	33
72	18	30	108	10	7	2	.....	904
.....	.....	.....	3	.....	.....	.....	.....	3
.....	1	8	38	3	5	.....	.....	59
.....	1	.....	.....	1	.....	.....	.....	2
.....	1	8	41	4	5	.....	.....	64
73	19	38	149	14	12	2	.....	968
.....
3	6	.....	24	1	1	.....	.....	80
.....	.....	4	3	2	.....	.....	.....	39
.....	.....	.....	3	1	.....	.....	.....	112
.....	1	14	1	2	1	.....	.....	121
1	.....	.....	2	.....	.....	.....	.....	33
.....	.....	.....	65	.....	.....	.....	.....	65
6	4	17	11	3	7	1	.....	137
10	11	35	109	9	9	1	.....	587
.....
3	.....	.....	3	.....	.....	.....	.....	46
.....	.....	.....	.....	.....	.....	.....	.....	6
15	2	.....	3	.....	1	.....	.....	38
9	.....	.....	8	2	1	.....	.....	110
4	4	.....	9	2	.....	1	.....	51
8	.....	.....	1	.....	.....	.....	.....	37
12	1	.....	1	1	1	.....	.....	23
11	1	3	15	.....	.....	.....	.....	55
72	19	38	149	14	12	2	.....	968
.....
3	.....	14	28	3	1	.....	.....	135
14	3	.....	3	1	1	.....	.....	62
10	4	4	53	5	6	.....	.....	261
24	7	6	30	1	.....	.....	.....	223
6	2	1	4	.....	.....	.....	.....	28
7	.....	1	6	2	1	1	.....	63
5	.....	2	7	.....	.....	.....	.....	32
66	16	28	131	12	9	1	.....	904
.....
.....	1	1	2	.....	.....	.....	.....	4
.....	.....	.....	1	.....	.....	.....	.....	8
2	3	8	14	2	3	.....	.....	111
.....	.....	.....	.....	.....	.....	.....	.....	125
.....
.....	.....	.....	.....	.....	.....	.....	.....	1
.....
2	3	9	17	2	2	.....	.....	149
1	.....	1	1	.....	1	1	.....	14
.....	.....	.....	.....	.....	.....	.....	.....	1
72	19	38	149	14	12	2	.....	968

BUREAU OF MEDIATION
Table VIII.—Industrial Disputes

Locality.	Date.	Occupation.	Num- ber of firms.	NUMBER OF EMPLOYEES AFFECTED.		
				Directly.	Indi- rectly.	Total.

A. DISPUTES BEGUN IN

Albany	March 31 to April 8.	Tin and sheet iron workers.....	9	20	.....	20
"	April 22-23.	Potash makers.....	1	.....	.....	.....
		Turners .....	.....	76	.....	76
		Laborers .....	.....	17	.....	17
		Labelers .....	.....	.....	17	17
"	April 23 to May 6.	Cupola men	1	5	.....	5
		Foundry laborers.....	.....	11	.....	11
		Others .....	.....	.....	14	14
"	April 29 to May 7.	Foundry laborers.....	1	11	.....	11
		Others .....	.....	.....	280	280
Auburn	April 1.....	Plumbers	8	15	.....	15
"	May 3-31 ..	Dye hands (carpet factory).....	1	14	.....	14
"	May 23-29 ..	Rope makers.....	1	6	.....	6
"	June 2-10...	Piano makers.....	1	45	.....	45
Ballston Spa.....	May 23-28 ..	Paper makers.....	1	250	.....	250
Buffalo	April 1 to May 5.	Pile drivers and dock builders....	5	40	.....	40
"	April 1-7...	Roofers and sheet metal workers..	4	40	.....	40
"	April 11-16.	Freight handlers.....	1	175	.....	175
"	May 1 to June 9.	Carpenters	50	800	.....	800
"	May 1-17.	Bridge and structural iron workers	1	150	.....	150
"	May 1 to June 21.	Gas fitters.....	84	35	.....	35
		Plumbers .....	.....	205	.....	205
		Steam fitters.....	.....	4	.....	4
Cadyville.....	April 22-3 ..	Pulp mill men	1	.....	.....	.....
		Grinder men .....	.....	20	.....	20
		Press and screen men.....	.....	30	.....	30
Canandaigua	March 18 ...	Burners and slushers (tin-ware factory).....	1	20	.....	20
Cohoes.....	May 12 to June 16.	Rib knitters (knitting mill).....	1	8	.....	8
"	May 23 to June 10.	Carpenters	1	35	.....	35
Elmira	April 1-18 ..	Plumbers	11	27	.....	27
		Steam fitters .....	.....	6	.....	6
Glens Falls.....	May 19 to June 18.	Limekiln hands	1	75	.....	75
		Sawmill hands .....	.....	200	.....	200
		Teamsters, etc. ....	.....	50	.....	50
"	May 23 to Sept. 13.	Laborers	1	19	.....	19
		Lime barrelers.....	.....	9	.....	9
		Lime burners .....	.....	6	.....	6
		Quarrymen .....	.....	6	.....	6
		Teamsters .....	.....	5	.....	5
		Foremen and coopers .....	.....	.....	5	5

AND ARBITRATION.

in April, May and June, 1902.

Dura- tion in days.	Aggre- gate days lost.	Alleged cause or object.	Result.
SECOND QUARTER, 1902.			
8	160	Demand for increase of wages from \$3 to \$3.50 per day.	Wages increased to \$3.50.
6	660	Demand for increase of wages.....	Wages of 30 turners increased from \$6 to \$6.50 per week and of 9 laborers from \$10 to \$11.
8	240	Demand for increase in wages of 25 cents per day.	Wages increased 12½ cents per day after strikers had returned to work.
8	2,328	Demand for increase in wages of 25 cents per day.	Wages increased 10 per cent. A compromise.
.....	.....	Demand for increase of wages from \$2.25 to \$2.50 per day made in a general schedule, in which questions of apprentices, overtime, etc., were minor subjects of difference.	Not terminated.
10	140	Demand for increase of wages from \$1.25 to \$1.50 per day.	Wages of all employees receiving \$1.25 (about 40 in number) increased to \$1.35.
1	6	Demand for increase of wages from \$1.25 to \$1.37½ per day.	No change in wages.
8	360	Reinstatement of discharged member of union, nine-hour in place of ten-hour day, equal division of work in slack times, an arbitration board, and union shop.	Discharged employee reinstated, equal division of work, arbitration board and union shop established. Agreement for sixteen months signed.
2	500	Demand for increase of wages from 12½ to 15 cents per hour and recognition of union.	Wages increased to 14 cents per hour and union recognized.
29	1,160	Demand for eight instead of nine hours per day without decrease of wages.	No change in wages.
5	200	Refusal of firms to renew agreement for eight-hour day at 30 cents per hour on ground that men were working more than eight hours for other firms.	Agreement continued.
4	700	Demand for increase of wages consequent upon an alleged reduction of pay.	Wage of 30 cents per hour on boats and 17½ cents in house, as demanded, granted.
23	26,400	Demand for increase of wages from 30 to 37½ cents per hour.	Wages increased 25 cents per day or 3½ cents per hour.
15	2,260	Demand for increase of wages from 35 to 45 cents per hour.	Wages increased to 45 cents.
45	10,980	Demand for increase of wages from \$3 to \$3.50 per day.	Wages increased to \$3.25 per day.
2	100	Demand for increase of wages from \$1.25 to \$1.50 for 12 hours per day.	No change in wages, a few employees losing their places. Strikers went out on the 23d, returned to work on the 24th, going out again on the 26th.
1	20	Strike against reduction in piece rates from 35 to 30 cents per hundred.	Rates reduced, places of all but eight strikers being filled by new hands.
30	240	Demand for increase in wages of 12½ cents per day.	Wages increased as demanded.
11	385	Strike because of non-union boss carpenter	Boss carpenter joined the union.
15	495	Demand for eight-hour in place of nine-hour day without decrease of pay; also employment of union men only and general union schedule.	Compromise including establishment of eight-hour day without decrease of pay. Concessions made to employers not reported.
26	8,450	Demand for employment of none but union men; also increase of wages and shorter workday.	Wages increased, hours reduced from 11 to 10 per day, union and non-union employees to be treated alike, with preference in employment to be given those employed before strike. Advance in wages was compromised on original demands. Agreement for one year signed.
90	3,960	Demand for increase of wages and employment of none but union men.	Not reported.

Table VIII.—Industrial Disputes

Locality.	Date.	Occupation.	Num- ber of firms.	NUMBER OF EMPLOYEES AFFECTED.		
				Directly.	Indi- rectly.	Total.
A. DISPUTES BEGUN IN						
Glens Falls and Fort Edward.	June 18-17..	Beater men	1	89	.....	89
		Cutter girls .....	.....	.....	7	7
		Engineers and firemen .....	.....	36	.....	36
		Finishers .....	.....	30	.....	30
		Laborers .....	.....	605	.....	605
		Millwrights .....	.....	60	.....	60
		Paper machine men .....	.....	67	70	137
		Pulp mill men .....	.....	50	.....	50
		Construction work .....	.....	46	.....	46
Ithaca	May 1-3	Carpenters	7	150	.....	150
Little Falls.....	April 21 to May 5.	Latch needle knitters	5	80	.....	80
		Others .....	.....	*2,000	.....	2,000
Lockport	May 1-14	Structural iron workers	1	9	6	15
Morris Park.....	April 14-22..	Boiler makers	1	24	.....	24
		Boiler makers' helpers .....	.....	21	.....	21
		Flue setters .....	.....	2	.....	2
		Rivet heaters .....	.....	2	.....	2
Newburgh.....	May 18-26 ..	Iron ship builders	1	47	.....	47
New York City..	April 1-15 ..	Tin can makers	1	1,304	.....	1,304
" "	April 7 to June 4.	Machinists	1	87	.....	87
" "	April 12-19..	Shoe workers	1	127	15	142
" "	April 15 to May 5.	Plasterers	50	1,200	.....	1,200
		Plasterers' laborers .....	.....	400	.....	400
" "	May 1 to June 7.	Cement masons	25	180	.....	180
" "	May 2-6	Structural iron workers	1	260	.....	260
" "	May 5 to June 7	Wire workers and helpers	21	150	.....	150
" "	May 7 to July 2.	Electrical linemen	1	21	10	31
" "	May 22-27..	Bakers	1	35	.....	35
" "	May 26-28..	Structural iron workers	1	115	.....	115
" "	June 9 to Aug. 11.	Bridge and structural iron workers	1	200	16	206
Niagara Falls....	April 1 to May 16.	Carpenters, electrical workers, lathers, painters, paper hangers, plasterers, plumbers and sheet metal workers.	†1	800	.....	800
Oneonta, Bain- bridge and Unadilla.	June 16 to Aug. 27.	Cigar makers	5	91	30	121
Oswego.....	June 23-30..	Boiler makers and helpers	1	25	.....	25
Port Chester.....	April 30 to May 14	Iron molders	1	190	.....	190
		Core makers .....	.....	.....	30	30

* Estimated. † Estimated, many returning to work before final termination.

in Second Quarter, 1902—Continued.

Duration in days.	Aggregate days lost.	Alleged cause or object.	Result.
SECOND QUARTER, 1902.			
4	4,040	Demand for increase of wages for all trades.	Wages increased as demanded. Scale signed for one year.
2	800	Demand for increase of wages from \$2 to \$3.25 per day.	Wages increased to \$2.25.
12	*12,960	Demand for increase of wages from \$1.25 to \$1.37½ per day.....	Piecework system established, with guarantee that daily earnings should equal the advanced wage asked for.
9	135	Demand for increase in wages of 10 cents per hour and employment of union members only and no unskilled labor.....	Wages increased 10 cents per hour and not more than one-fifth of those employed to be unskilled.
6	294	Demand for increase of wages.....	Wages increased as demanded.
11	517	Demand for increase in wages of 2½ cents per hour.	Wages increased 2½ cents per hour.
12	14,448	Strike against introduction of "time check" for record of time consumed on each piece of work to be made out by each employee.	Compromise under which time checks were retained, but employees not required to handle them.
54	†1,782	Demand for discharge of non-union men and for union shop.	Strike failed, all but 83 strikers losing their places.
7	994	Demand for discharge of forewoman in fitting department because of assault upon an employee committed by her.	Strikers returned to work; forewoman not discharged.
17	27,200	Demand for increase of wages for plasterers from \$4.50 to \$5 and for laborers from \$3 to \$3.50.	Plasterers' wages increased to \$5; laborers' wages increased to \$3.25.
30	5,400	Demand for increase of wages from 50 to 55 cents per hour.	Wages increased to 55 cents.
3	780	Demand for eight instead of nine hours per day, without decrease of pay.	Hours reduced to eight, with no reduction in daily wages. Agreement for one year signed.
30	4,500	Demand for nine-hour day with Saturday half-holiday in place of 58 hours per week, without decrease of pay.	Hours reduced to 54 per week, without decrease of pay.
48	1,488	Demand for eight in place of nine hours per day, with advance in wages of 25 cents per day.	No change in hours or wages. Strikers' places filled by new employees.
4	140	Demand for 60 in place of 66 hours per week.	Hours reduced to 60 per week.
3	315	Strikers demanded for the firms employing them, a new and more favorable contract from certain Rapid Transit Subway contractors, on the ground that under the existing contract their employers could make no profit at the union wages they were paying.	Agreement by subway contractors to waive bonds given by strikers' employers for the faithful performance of their contract.
54	†12,924	Demand for recognition of union.....	Union not recognized, strikers returning to work or their places being filled.
40	32,000	Demand for an eight-hour day and increase in wages.	Agreement for nine-hour day until September 2, thereafter eight hours; general increase in wages which in most cases was a compromise on original demands.
48	5,808	Demand for increase in wages.....	Wages advanced; compromise upon original demands.
6	150	Demand for increase in wages.....	No change in wages.
12	2,640	Demand for price book in hands of shop committee chiefly; also recognition of union and increase in wages.	Advance in rates on soil pipe, revision of stove plate rates and price book of all castings placed in shop in joint charge of foreman and chairman of shop committee.

of disputes. † A builders' association; number of firms not known.

Table VIII.—Industrial Disputes

Locality.	Date.	Occupation.	Num- ber of firms.	NUMBER OF EMPLOYEES AFFECTED.		
				Directly.	Indi- rectly.	Total.
A. DISPUTES BEGUN IN						
Poughkeepsie ...	April 1-16 ..	Carpenters	15	118	.....	118
Rochester	April 22 to June 10.	Bridge and structural iron workers	2	85	.....	85
"	May 1-3	Teamsters (coal)	*30	250	.....	250
"	May 3 to Aug. 10.	Chair makers	4	450	68	518
" §	June 20 to July 8.	Office furniture makers.....	1	400	.....	400
Rome	May 7-12.	Copper mill helpers and laborers..	1	147	173	320
Rouses Point....	April 12 to June 12.	Compositors and electrotypers....	1	66	.....	66
Sandy Creek....	April 25 to June 7.	Wood workers	1	30	.....	30
Saratoga.....	April 14-19.	Plumbers, gas and steam fitters....	11	41	.....	41
Schenectady	April 11-19.	Blacksmiths and helpers.....	1	176	.....	176
		Core makers .....	.....	200	.....	200
		Electrical workers .....	.....	2,500	.....	2,500
		Machinists .....	.....	1,376	.....	1,376
		Molders .....	.....	600	.....	600
		Metal polishers .....	.....	48	.....	48
		Metal workers .....	.....	1,700	.....	1,700
Syracuse	April 1-26..	Cigar makers	1	112	28	150
"	June 2-8....	Garment workers	86	1,500	.....	1,500
Tonawanda	April 24 to June 11.	Blast furnace men	1	350	68	418
		Dock men .....	.....	82	.....	82
Troy.....	May 24 to June 10.	Linemen (electrical workers)	1	25	.....	25
		Laborers .....	.....	75	.....	75
Utica	May 1-7	Building laborers	9	170	.....	170
White Plains....	April 1-5....	Carpenters	**1	119	.....	119
		Masons .....	.....	48	.....	48
		Painters .....	.....	75	.....	75
		Plumbers .....	.....	14	.....	14
		Tinsmiths .....	.....	9	.....	9
Yonkers§.....	June 5 to July 28.	Hat makers	1	1,100	.....	1,100
TOTAL			481	20,702	2,847	23,549
B. DISPUTES BEGUN BEFORE APRIL 1, BUT						
Glens Falls.....	Aug. 6, 1901. Mar. 1, 1902.	Coopers	1	13	.....	13
Jamestown	May 13, 1901 May 29, 1902	Plumbers	§§1	25	.....	25
"	May 30, 1901 April 18, 1902	Street railway employees.....	1	60	5	65

* Estimated. All coal dealers in the city, exact number not reported. † See under result. ‡ Estimated going out on the 18th. ** A contractors and builders' association; number of members not reported. number of members not reported.

in Second Quarter, 1902—Continued.

Duration in days.	Aggregate days lost.	Alleged cause or object.	Result.
SECOND QUARTER, 1902.			
14	1,652	Demand for increase in wages from \$2.50 to \$2.80 per day.	Wages increased to \$2.80 on May 1st.
42	1,470	Demand for an advance in wages from 80 to 40 cents per hour and for eight in place of nine hours per day.	Wages increased to 40 cents per hour; eight-hour day established.
3	750	Demand for nine-hour day in place of ten hours and for increase in wages of \$1 per week.	Nine-hour day and advanced wage as demanded established. Agreement for eleven months signed.
†	130,000	Demand for nine-hour day at a minimum wage of \$2.	Strike never declared off. Firms resumed operations with non-union hands, and on August 10 union gave its members permission to return to work.
14	5,800	Strike against change from nine hours for six days to ten hours on five days with four on Saturday, and for abolition of piecework.	General agreement for two years signed, including abolition of piecework by December 1, 1902, and union scale of wages for each trade.
6	1,920	Demand for 15 per cent increase in wages	No change in wages. Strikers returned to work.
52	3,432	Demand for regular payday.....	Strike failed, 40 employees losing their positions.
38	1,140	Demand for 25 per cent advance in wages	No change in wage rates. Most of the strikers returned to work.
6	246	Demand for increase in wages of 50 cents per day and for nine in place of ten hours per day.	Wages advanced 50 cents per day and nine-hour day established. Agreement for one year signed.
}			
8	111,850	Polishers struck against reduction in piece rates, the others going out in sympathy.	Employees returned to work under promise of company to promptly adjust piece rates in polishing department as demanded.
23	3,450	Strike for abolition of team system.....	Team work system abolished.
5	7,500	Demand for nine in place of ten hours, without reduction of wages.	Nine-hour day without reduction in wages established by contractors who had received for that purpose an advance in prices from manufacturers; 14 manufacturers and 75 contractors involved.
}			
42	13,144	Demand for recognition of union, a number of employees having been dismissed for membership therein.	Union not recognized. Many of strikers' places were filled by new hands before June 11, the others returning on that date.
}			
13	1,300	Demand for increase of wages from \$2.50 to \$2.75 per day, with reduction of hours from ten to nine.	Wages advanced to \$2.75; no change in hours.
6	1,074	Demand for increase of wages from 18¢ to 22 cents per hour.	Wages advanced to 20 cents.
}			
5	1,325	Demand for recognition of building trades council, for increase in wages, and an eight-hour day.	Council recognized, eight-hour day established and wages advanced.
45	123,000	Demand for increase in wages of three cents per dozen.	No change in wages. Many strikers lost their positions.
.....	301,433		

TERMINATED OR REPORTED IN SECOND QUARTER, 1902.

200	†1400	Demand for weekly payment of wages....	Weekly payment of wages established; wages advanced $\frac{1}{2}$ cent per barrel.
325	†1800	Demand for increase of wages from \$2.50 to \$3 per day with reduction of hours from 10 to 9.	Wages advanced to \$3, hours reduced to 9.
300	11,500	Demand for reinstatement of three union men discharged for alleged violation of company's rules.	Union recognized; former employees to be taken back as fast as places were open.

mated. † As reported in press dispatches. ‡ About 300 were out during the first week, the remainder
 †† Estimated, all strikers being employed most of the time elsewhere. §§ Master plumbers' association;

Table VIII.—Industrial Disputes

Locality.	Date.	Occupation.	Num- ber of firms.	NUMBER OF EMPLOYEES AFFECTED.		
				Directly.	Indi- rectly.	Total.
B DISPUTES BEGUN BEFORE APRIL 1, BUT						
New York City..	Feb. 12-14...	Carpenters	1	400	.....	400
"	March 17 to April 30.	Structural and ornamental iron workers.....	1	54	.....	54
"	March 27 to June 14.	Silk ribbon weavers.....	1	36	.....	36
		Others .....	.....	50	.....	50
Rochester	March 31 to April 2.	Nursery employees	1	150	.....	150
		TOTAL	7	788	5	793
		GRAND TOTAL.....	488	21,490	2,852	21,342

in Second Quarter, 1902—Concluded.

Duration in days.	Aggregate days lost.	Alleged cause or object.	Result.
TERMINATED OR REPORTED IN SECOND QUARTER, 1902.			
2	800	Demand by Brotherhood of Carpenters and Joiners that all members of the Amalgamated Association of Carpenters and Joiners be discharged.	Members of Amalgamated Association discharged.
33	1,782	Strike ordered by business agent of union because of work alleged to have been done by non-union men. After strike began question of payment for "waiting time" during the strike.	Strikers returned to work upon payment to their business agent of \$2,000 for their "waiting time."
} 60	5,834	Strike against 10 per cent reduction in wages; afterwards demand for discharge of superintendent.	Wages advanced 10 per cent and superintendent discharged.
2	300	Demand for increase of wages from \$1.25 to \$1.50 per day.	Wages advanced to \$1.50 per day.
.....	11,416		
.....	312,848		

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EDITORIAL SUMMARY.

State of Employment. The remarkable business activity recorded in the preceding BULLETINS of 1902 continued uninterrupted throughout the summer save by the anthracite coal strike, which affected New York railroads and a few industrial enterprises to a small extent. The proportion of trade unionists who did not work at all in July, August or September was only 1.9 per cent—the smallest proportional amount of idleness thus far recorded by the Bureau of Labor Statistics; in the third quarter of 1899, which most nearly approaches 1902, the percentage of the unemployed was 2.3, and last year it was 3.1 per cent. The average number of days worked by members of labor organizations in the third quarter of 1902 was 71, as compared with 70 in the corresponding months of last year and 71 in 1899.

Earnings. Earnings have averaged higher in most trades this year than in any other recent year. The general average for all male members of labor unions in July, August and September was \$197, as compared with \$194 in the corresponding period last year and \$197 in 1899. This year's average would be much higher than that of 1899 were it not for the constant progress of the principle of organization, which brings into the ranks of unionism the workmen of the more poorly paid branches of trade. Hence the more rapid the growth of unionism, the less significant becomes a general average wage for the entire body of organized labor. Notwithstanding the present inclusion of the smaller cities and towns in the statistics,

the average quarterly earnings of 71,787 skilled workmen in the building trades (embracing about one-fourth of the numerical strength of New York unions) increased from \$233 in the third quarter of 1899 to \$239 in 1902; while the earnings of 30,545 workingmen in the iron and steel trades increased in the same period from \$190 to \$195.

Growth of Labor Organizations. It is the spread of unionism to the smaller cities and into the unorganized trades of the larger cities that particularly marks the present year. The increase in the aggregate membership of New York unions has of late been unprecedented, having been 53,000 or about 20 per cent in the twelve months ended September 30; and of this gain all but about 3,000 was made since April 1. Between April 1 and October 1 the net gain in unions was 299, so that at the latter date the number of labor unions recorded by the Bureau of Labor Statistics was 2,229 with a total membership of 329,101, of whom 313,592 were men and 15,509 women. With the exception of New York City, the city of Schenectady made the largest gain in membership in the year (from 2,441 to 8,856) and that busy industrial center now outranks Syracuse, Albany, Troy and Utica. The next largest increase was in Glens Falls (from 609 to 2,795 members), while large gains were also made in Gloversville, Auburn, Elmira, etc. The only large cities in which losses were sustained were Buffalo (less than one-tenth of 1 per cent) and Troy (12 per cent).

Immigration. Immigration at the Port of New York, which broke all records in the twelve months ending June 30, has since continued very heavy. Between July 1 and September 30 the number of arrivals was 108,800, as compared with 83,265 in the corresponding period last year. More than one-fifth of the immigrants are Southern Italians, while they are closely followed by the Hebrews from Central Europe, who are gaining upon the Italians. There was a decline in the immigration of Slovaks,

Lithuanians, Ruthenians, Poles and Croatians. The proportion of immigrants over 14 years of age who can neither read nor write still remains about one-fourth. Nearly one-half (44.5 per cent) of all the immigrants expect to make their permanent homes in New York. Their friends here had undoubtedly advised them of the widespread demand for labor at good wages which has of late manifested itself in this State.

TRADE

Trade Disputes.

The Bureau of Mediation and Arbitration recorded 37 new disputes in July, August and September, involving 441 firms and 10,035 workmen who lost altogether more than 100,000 days' work. As in the preceding months, the most frequent occasion of disputes was a demand for increased wages, although 7 disputes were on the question of shorter hours. Among the latter were the movements for a nine-hour day on the part of the piano and organ workers and the silversmiths in New York City, both of which are described in the present BULLETIN. Most of the piano manufacturers acceded to the men's demands at once, but a minority resisted for a few days and accepted them only after the employees ceased work. About one-half of the silversmiths were successful in establishing the nine-hour day. The most serious dispute of the quarter was the strike on the trolley lines of the Hudson Valley Railway Company, originating in the discharge of a motorman, but quickly shifting to a question of wages. About two-thirds of the striking workmen in all disputes obtained their entire demands and nearly one-fifth of the others were partially successful.

COURT

Court Decisions.

With the continued expansion of the principle of organization and the enlarging power of the union over opportunities for employment has come the need of clearer definition of the reciprocal rights of the union and its members toward one another. When expulsion from the union means loss of employment at his trade, a suspended member is

likely to call upon the courts to enforce his rights of membership or make the union pay him damages when it has violated his rights as a member. Several cases of this nature have lately been decided. In one case a bricklayer of Staten Island had secured in the inferior courts a verdict of \$108 damages against the president of the local union for loss of employment consequent upon the refusal of the members of the union to work on the same job with him during his suspension, which he maintained was illegal from the date that he tendered payment of the fine imposed upon him by the union for certain offences against the union, and the Court of Appeals has dismissed the appeal of the defendant union from the judgment against it. In another case in which a union of ship joiners expelled certain members for defying an order to strike, the Supreme Court refused to issue to them a mandamus for their reinstatement, holding that the expulsion had been regular and lawful.

Court	A rather more liberal interpretation of the law
Decisions:	of conspiracy as affecting picketing, the right of
Injunctions.	persuasion, and the so-called boycott than has

prevailed in recent decisions has proceeded from the application of a Syracuse merchant to the Supreme Court for an injunction restraining the members of and sympathizers with a retail clerks' union from driving away trade from his store. The court enjoined the defendants from obstructing access to the store or travel in its neighborhood, but refused to restrain that peaceful persuasion of intending customers which is the essence of the boycott. According to the official reporter's summary of the decision, the court held that "acts of sympathizers with labor unions, consisting in picketing a store declared 'unfair' by the unions, circulating near it printed cards asking union men to keep away from it, and endeavoring to keep them and the public away by persuasion and peaceable means only, are not illegal."

Court A recent decision of the Appellate Division,
Decisions: Fourth Department, while advancing no new
Employers' legal principle, illustrates anew one of the evils
Liability. which the employers' liability law of 1902 aims
to remove. A girl employed in a food preserving establishment
lost her fingers in a meat-cutting machine through defective
arrangement of the belt and pulleys. Although the factory law
explicitly imposes upon the employer the duty of furnishing
belt-shifters and keeping them in working order, the courts have
refused to hold the employer responsible for personal injuries
to employees resulting from his negligence in providing such
proper safeguards, and in the present case the court sustains
the lower court in non-suiting the plaintiff on the ground that
under the common law she assumed the obvious risks attend-
ing operation of the machine. No decisions under the employers'
liability act which went into force on the 1st of July have yet
been reported.

Court The final decision on the eight-hour law which
Decisions: it was expected would be rendered by the Court
Eight-Hour of Appeals before the end of the year has not
Law. yet been handed down, as the case on appeal
(*The People v. The Orange County Road Construction Com-
pany*) has been put over until the January term. In the mean-
time, however, certain judicial decisions have been rendered
which incidentally touch upon the eight-hour law. Thus in the
case of *The People ex rel. North v. Featherstonhaugh*, which
involved a municipal contract in Cohoes, the fact was estab-
lished that the requirement of an eight-hour day did not increase
the cost of the work according to the contractors' estimates;
whereas in the decision adverse to the prevailing-rate-of-wages
law one of the principal reasons advanced against its validity
was the argument that its requirement increased the cost of the
work to the taxpayer.

Factory Inspection. In July, August and September the deputy factory inspectors inspected 12,440 factories, bake-shops and workshops, 6,272 tenement workrooms and 75 mines and quarries, in addition to which they visited 2,259 factories and 2,391 tenement workrooms which they found closed, or burned, or removed. They also inspected 3,222 tenements the occupants of which had applied for a license to carry on manufacturing and reinvestigated 345 applications for a license. In the course of their inspections they discovered 118 places in which tenement manufacture was being done without a license, and therefore contrary to law. The number of licenses revoked in this quarter was 77, all in New York City. The number of licenses issued was 3,204, which exceeded by 905 the number of licenses returned (on account of change of residence, etc.) and the number revoked. The total number of licenses outstanding at the end of September was 30,607, which was 1,820 greater than the number in force at the corresponding date in 1901.

Accidents. The number of accidents reported to the Bureau of Factory Inspection in the third quarter was 1,113 as compared with 968 in the second quarter and 677 in the first quarter of 1902. The steady increase is due rather to the efforts of the State officials to secure the cooperation of factory owners and managers in making a record of accidents than to any real increase in the number of casualties. There has been little increase in the number of fatalities, which had previously been reported more carefully than the minor accidents; but the number of serious accidents, other than mortal injuries, is increasing, 223 injuries entailing permanent disablement in some degree having been reported in the third quarter as compared with 149 in April, May and June.

ECONOMIC CONDITION OF ORGANIZED WAGEWORKERS IN JULY, AUGUST AND SEPTEMBER.

In the Appendix will be found the usual summary tables compiled from quarterly reports of trade union secretaries. Comparisons with previous reports reveal the tendencies noted in the following analysis:

I. Number and Membership.

While the most valuable statistics gathered from labor organizations are those which show the amount of employment and actual earnings of individual members, such statistics require for their interpretation an accurate knowledge of the composition of the unions; since, to take a common example, the average earnings of an entire trade may be apparently diminished as a result of the introduction of new unions or new members belonging to a more poorly paid branch of the trade.

The following table exhibits the growth of labor organizations in New York since 1897:

TABLE 1.

DATE.	Organizations.	MEMBERSHIP.			
		Men.	Women.	Total.	In N. Y. City. In other places.
1897, September 30	1,009	162,690	5,764	168,454	.....
1898, September 30	1,087	163,562	7,505	171,067	125,429 45,638
1899, September 30	1,320	200,932	8,088	209,020	141,687 67,333
1900, September 30	1,635	233,553	11,828	245,381	154,504 90,877
1901, September 30	1,881	261,523	14,618	276,141	174,022 102,119
1902, March 31	1,930	267,245	12,705	279,950	180,762 99,188
1902, September 30	2,229	313,589	15,509	329,098	198,055 131,043

In the year 1901-02 the number of labor unions recorded increased from 1,881 to 2,229—a gain of 348. In large part, this increase took place in the summer of 1902. Between March 31 and September 30 the number of unions organized was 390; but, in the same period, 91 unions were dissolved or amalgamated with others, leaving a net gain for the six months of 299.

The growth in membership in the summer of 1902 was unprecedented, the net increase between April and October having been 49,148, or 17 per cent. As a result of this rapid progress,

the aggregate membership of New York labor organizations at the end of September was 329,098, of whom 15,509, or about 5 per cent, were women. The number of female members, while 2,800 larger than in March, does not greatly exceed the number a year ago.

In the six months under review there were 60 new unions recorded in New York City and 24 either disbanded or united with other organizations, leaving a net gain of 36; in all other towns the number of new organizations was 330, loss 67, and net gain 263. The changes are shown below for each industry:

TABLE 2.
NUMBER AND MEMBERSHIP OF LABOR ORGANIZATIONS—BY INDUSTRIES.
ORGANIZATIONS.
Increase—

INDUSTRIES.	INCREASE.				MEMBERSHIP.				
	Mch.	Sept.	N. Y. City.	Other towns.	Total.	Men.	Women.	Total.	Increase.
Building, stone working.	533	607	4	70	74	91,181	.....	91,181	11,261
Clothing and textiles...	155	177	5	17	22	37,369	9,615	46,984	4,865
Metals, machinery, etc.	325	394	14	55	69	51,098	651	51,749	14,348
Transportation	254	276	2	20	22	36,896	5	36,901	2,566
Printing, binding, etc..	102	109	1	6	7	20,208	902	21,110	281
Tobacco	59	62	.....	3	3	9,132	2,501	11,633	624
Food and liquors.....	125	130	2	3	5	13,309	62	13,371	3,493
Theaters and music....	40	44	.....	4	4	10,345	1,243	11,588	*994
Wood working, etc.....	69	75	*2	8	6	11,811	12	11,823	3,289
Restaurants, retail trade	87	105	*2	20	18	8,160	343	8,503	1,458
Public employment.....	81	105	8	16	24	9,142	18	9,160	259
Miscellaneous	100	145	4	41	45	14,938	157	15,095	7,698
Total	1,930	2,229	36	263	299	313,589	15,509	329,098	49,148

The largest increase in both organizations and members is found in the building and metal-working industries; although every industry, taking the entire State right through, made some gain in organizations and only one (theaters and music) declined in membership. The loss was entirely in New York City, as appears in Table 3.

It appears that in New York City the number of unions declined in the woodworking industry and in restaurants and retail trade, and that the total membership declined very slightly in the printing industry and considerably in the transportation industry. The last-mentioned loss occurred among the street railway employees, who have recently reorganized as a branch of the international association.

* Decrease.

TABLE 3.

MEMBERSHIP OF LABOR ORGANIZATIONS IN NEW YORK CITY AND THE REMAINDER OF THE STATE—BY INDUSTRIES.

INDUSTRIES.	Sex.	NEW YORK CITY.			OTHER CITIES AND TOWNS.		
		March.	Sept.	Change.	March.	Sept.	Change.
Building, stone working, etc....	M	57,216	62,030	4,814+	22,704	29,151	6,447+
	F	29,453	31,301	1,848+	5,096	6,068	972+
Clothing and textiles.....	M	4,212	5,631	1,319+	3,358	4,084	726+
	F	20,024	24,944	4,920+	17,327	26,154	8,827+
Metals, machinery, etc.....	M	50	50	.....	.....	651	651+
	F	12,364	10,915	1,449-	21,968	25,981	4,013+
Transportation.....	M	3	3	.....	.....	2	2+
	F	18,621	16,598	22-	3,403	3,610	207+
Printing, binding, etc.....	M	640	635	5-	165	267	102+
	F	5,172	5,422	250+	3,588	3,710	122+
Tobacco.....	M	2,112	2,340	228+	137	161	24+
	F	5,377	8,379	3,002+	4,601	4,930	429+
Food and liquors.....	M	2	2	.....	.....	60	60+
	F	8,681	7,910	771-	2,199	2,435	236+
Theaters and music.....	M	1,662	1,164	498-	40	79	39+
	F	6,276	8,789	2,513+	2,233	3,022	789+
Wood working and furniture...	M	25	10	15-	.....	2	2+
	F	2,022	2,106	84+	4,731	6,064	1,333+
Restaurants and retail trade..	M	130	83	47-	182	260	98+
	F	7,623	7,783	165+	1,269	1,354	85+
Public employment.....	M	1	1	.....	9	17	8+
	F	1,099	2,104	1,005+	6,298	12,834	6,536+
Miscellaneous.....	M	.....	.....	.....	.....	157	157+
	F	.....	.....	.....	.....	.....	.....
Total	M	171,928	188,236	16,358+	95,317	125,303	29,986+
	F	8,834	9,789	955+	3,871	5,740	1,869+
	T	180,762	198,065	17,293+	99,188	131,043	31,855+

The notable expansion of organized labor in the metal working trades is in part due to the formation of unions in Schenectady embracing the employees of an extensive electrical apparatus manufactory, although other towns have also contributed to the unusual growth.

The large growth of the trades in the miscellaneous group is due to the progress of organization among the glass workers in New York City, and the paper makers and a few other distinct trades in the remainder of the State, together with numerous additions to federal labor unions and other organizations whose members follow no one trade or occupation.

The following table shows the number of unions and members in each city and town:

TABLE 4.

TOWNS.	Number of unions.	TOTAL MEMBERSHIP.		
		Males.	Females.	Total.
Addison	5	170	.....	170
Albany	76	7,567	60	7,627
Albany and Troy.....	2	102	.....	102
Albany, Troy and Cohoes.....	1	80	.....	80
Albion	3	499	.....	499
Alexandria Bay	1	82	.....	82
Altamont	1	57	.....	57

TABLE 4—Continued.

TOWNS.	Number of unions.	TOTAL MEMBERSHIP.		
		Males.	Females.	Total.
Amsterdam	25	1,108	21	1,129
Auburn	35	2,003	6	2,009
Ausable Forks	1	40	.....	40
Baldwinsville	2	45	.....	45
Ballston Spa	5	773	.....	773
Batavia	15	1,064	36	1,100
Binghamton	32	1,560	110	1,670
Binnewater	1	43	.....	43
Blaisdell	1	26	.....	26
Brockport	2	23	.....	23
Brownville	1	51	.....	51
Buffalo	156	26,096	376	26,472
Canajoharie	1	11	.....	11
Canandaigua	13	418	11	429
Canastota	1	22	.....	22
Carthage	1	13	.....	13
Catskill	2	34	.....	34
Cedarhurst	1	83	.....	83
Chaumont	1	9	.....	9
Clayton	2	46	.....	46
Cleveland	1	40	.....	40
Clyde	1	17	.....	17
Cobleskill	1	45	.....	45
Cohoes	10	542	150	692
Cold Spring	2	65	.....	65
Corinth	5	755	9	764
Corning	18	1,015	.....	1,015
Cornwall	1	63	.....	63
Cortland	6	148	1	149
Coxsackie	4	87	.....	87
Dansville	2	30	.....	30
Deferiet	1	30	.....	30
Depew	3	283	.....	283
Dexter	1	96	.....	96
Dobbs Ferry	2	76	.....	76
Dunkirk	21	841	4	845
Durhamville	1	22	.....	22
East Syracuse	4	448	.....	448
Eddyville	1	12	.....	12
Elmira	38	2,685	37	2,722
Felts Mills	1	30	.....	30
Fishkill-on-Hudson	4	92	14	106
Fort Edward	6	937	5	942
Fort Plain	2	20	.....	20
Frankfort	1	110	.....	110
Fredonia	1	4	.....	4
Freeport	1	105	.....	105
Fulton	7	176	.....	176
Geneva	24	859	15	874
Glen Cove	1	166	.....	166
Glens Falls	29	2,339	456	2,795
Glens Falls, Sandy Hill and Fort Edward.....	5	314	16	330
Gloversville	24	1,636	457	2,092
Gloversville and Johnstown.....	4	929	1	930
Gouverneur	7	307	.....	307
Great Neck	2	84	.....	84
Green Island	2	46	.....	46
Greenwich	1	80	.....	80

TABLE 4—Continued.

TOWNS.	Number of unions.	TOTAL MEMBERSHIP.		
		Males.	Females.	Total.
Herkimer	8	558	2	560
Herkimer, Mohawk, Frankfort and Ilion.....	1	17		17
Hicksville	1	15		15
High Falls	1	42		42
Hornellsville	16	956	3	959
Hudson	9	265		265
Hulberton	2	167		167
Ilion	5	686		686
Irvington	3	89		89
Islip	1	39		39
Ithaca	15	624	31	655
Jamestown	38	1,510	87	1,597
Johnstown	12	752	159	911
Keeseville	2	103	33	136
Kingston	10	327	2	329
Lancaster	3	172		172
LeFever Falls	1	80		80
Lindenhurst	1	25		25
Little Falls	19	591	46	637
Lockport	34	1,230	38	1,268
Malone	1	9		9
Mamaroneck	2	176		176
Matteawan	1	90		90
Mechanicville	6	324		324
Medina	2	39		39
Middletown	20	885		885
Mineville	1	131		139
Mt. Kisco	3	83		83
Mt. Morris	1	14		14
Mt. Vernon	12	745		745
Natural Dam	1	29		29
Newark	7	174		174
Newburgh	21	1,261	656	1,917
New Rochelle	11	560		560
New York	579	188,286	9,769	198,055
Niagara Falls	44	2,567	199	2,766
Norfolk	2	37		37
North Tonawanda	6	340		340
Norwich	19	657	51	708
Nyack	4	101		101
Ogdensburg	10	708		708
Olean	26	778	9	787
Oneida	9	341	5	346
Oneonta	13	588	8	596
Ossining	7	167		167
Oswego	30	1,919	5	1,924
Owego	1	20		20
Oxford	1	40		40
Palmyra	1	28		28
Pearl River	1	90		90
Peekskill	9	306	325	631
Penn Yan	3	93		93
Piercefield	1	38		38
Plattsburg	5	82		82
Pleasantville	1	23		23
Port Chester	7	686		686
Port Jefferson	1	28		28
Port Jervis	12	1,173	63	1,236
Potsdam	2	9	15	24

TABLE 4—Concluded.

TOWNS.	Number of unions.	TOTAL MEMBERSHIP.		
		Males.	Females.	Total.
Poughkeepsie	23	1,383	.....	1,383
Ravena	1	26	.....	26
Rensselaer	5	386	.....	386
Rochester	93	11,096	371	11,467
Rome	15	475	3	478
Rosendale	1	110	.....	110
Rotterdam Junction	1	38	.....	38
Rye	1	55	.....	55
Salamanca	3	79	.....	79
Sandy Hill	7	1,085	139	1,224
Saranac Lake	2	97	.....	97
Saratoga	8	557	.....	557
Saugerties	2	51	.....	51
Sayville	2	275	.....	275
Schenectady	69	8,231	625	8,856
Schuylerville	1	100	.....	100
Seneca Falls	11	481	.....	481
Shortsville	1	25	.....	25
Silver Creek	4	59	3	62
Sloatsburg	2	106	.....	106
Syracuse	78	5,843	679	6,522
Tarrytown	9	528	.....	528
Tarrytown and Ossining	1	11	.....	11
Ticonderoga	3	550	.....	550
Tonawanda	14	325	.....	325
Troy	45	3,895	16	3,911
Unadilla	1	5	9	14
Utica	47	3,855	195	4,050
Victory Mills	1	40	3	43
Walton	1	23	.....	23
Wappingers Falls	1	17	147	164
Warrensburg	2	118	15	133
Warsaw	1	53	.....	53
Warwick	1	18	.....	18
Waterloo	1	17	.....	17
Watertown	27	1,531	13	1,534
Watervliet	3	117	.....	117
Waverly	6	144	.....	144
Wellsville	3	34	.....	34
Whitehall	3	208	.....	208
White Plains	6	395	.....	395
Whiteport	1	30	.....	30
Whitesboro	1	33	.....	33
Yonkers	24	1,643	.....	1,643
Total	2,229	313,592	15,509	329,101

In the twelve months ended September 30, New York City gained 24,033 members, or 14 per cent. The most striking increase is found in the industrial city of Schenectady—6,415, or 263 per cent. The next largest increase was in Glens Falls—2,186, or 359 per cent; and the fourth in Rochester—2,184, which was 23 per cent. Buffalo lost slightly and Troy heavily (12 per cent), so that several changes have taken place in the rank of

the cities. The following table contains all the cities in which at least 2,000 trade unionists are recorded:

TABLE 5.

NAME AND RANK OF CITIES.	Number of unions, 1902.	Member- ship, 1902.	MEMBERSHIP, 1901.		INCREASE IN MEMBERSHIP.	
			Rank.	Number.	Actual.	Per cent.
1. New York	579	198,065	1	174,023	24,033	13.8
2. Buffalo	156	26,472	2	26,683	*211—	*0.8—
3. Rochester	93	11,467	3	9,283	2,184	23.5
4. Schenectady	69	8,866	8	2,441	6,415	262.8
5. Albany	76	7,627	4	6,694	933	13.9
6. Syracuse	78	6,523	5	6,466	56	0.9
7. Utica	47	4,060	7	3,547	503	14.2
8. Troy	45	3,911	6	4,434	*523—	*11.8—
9. Glens Falls	29	2,796	.....	609	2,186	358.9
10. Niagara Falls	44	2,766	9	2,433	333	13.7
11. Elmira	38	2,722	10	2,012	710	35.3
12. Gloversville	24	2,093	18	1,232	861	69.9
13. Auburn	35	2,009	15	1,377	632	45.9

II. Unemployment.

Table I in the Appendix shows that among 321,082 members of labor unions there were 18,377 idle at the end of September, the proportion not at work being therefore 5.7 per cent. A much smaller number, 6,291 out of 324,168 members reporting, were idle throughout the months of July, August and September; the proportion thus continuously idle was 1.9 per cent which is the smallest percentage recorded by the Bureau of Labor Statistics since it began the present series of statistics in 1897, as appears in the following comparative table:

TABLE 6.

NUMBER AND PERCENTAGE OF MEMBERS OF LABOR UNIONS IDLE—

YEAR.	AT THE END OF SEPTEMBER.		DURING THIRD QUARTER.	
	Number.	Percentage.	Number.	Percentage.
1897	23,230	13.8	10,983	6.5
1898	22,485	10.3	9,734	5.7
1899	9,590	4.7	4,790	2.3
1900	31,460	13.3	12,928	5.4
1901	18,617	6.9	8,340	3.1
1902	18,377	5.7	6,291	1.9

Statistics for the first three months of the present year appearing in the June BULLETIN showed a smaller proportionate amount of unemployment than in the corresponding period of any recent year and the foregoing figures indicate that the excep-

* Decrease.

tionally favorable conditions continued through the summer. At the end of September, however, the percentage of idleness slightly exceeded the figure for September, 1899, which was unusually small on account of a phenomenally active season in the clothing trades, thus:

TABLE 7.

IDLENESS OF MEMBERS OF LABOR ORGANIZATIONS—BY INDUSTRIES.

	AT THE END OF SEPTEMBER.					DURING THIRD QUARTER.				
	Number.	Percentage.				Number.	Percentage.			
	1902.	1902.	1901.	1900.	1899.	1902.	1902.	1901.	1900.	1899.
Building, stone working, etc....	4,830	5.3	7.2	14.9	4.1	581	0.6	1.7	6.2	1.6
Clothing and textiles.....	3,268	7.0	9.7	29.2	0.8	1,297	2.8	5.7	10.6	0.3
Metals, machinery, etc.....	1,593	3.1	4.6	6.2	3.2	489	0.9	1.4	1.8	0.9
Transportation	2,849	7.9	4.8	8.5	2.9	1,104	3.1	1.5	1.0	0.9
Printing, binding, etc.....	1,806	8.6	6.9	11.1	8.6	1,318	6.2	5.7	7.4	5.0
Tobacco	294	2.6	4.6	17.4	2.6	146	1.3	2.4	15.1	1.5
Food and liquors.....	1,131	8.5	7.6	14.6	8.7	722	5.4	5.5	8.3	4.3
Theaters and music.....	361	5.6	23.9	8.4	6.8	66	0.7	12.5	0.6	5.9
Wood working and furniture....	704	6.0	7.0	7.2	6.0	157	1.3	2.3	0.9	3.9
Restaurants and retail trade....	446	5.5	3.1	8.4	9.1	81	1.0	1.4	1.7	0.6
Public employment.....	546	6.0	0.8	2.0	0.1	121	1.3	0.5	0.4	0.0
Miscellaneous	550	3.7	3.5	4.2	8.4	309	1.4	0.9	3.0	5.2
Total	18,377	5.7	6.9	13.3	4.7	6,291	1.9	3.1	5.4	2.3

An examination of table 7 discloses the fact that the percentages of idleness at the end of September were as small this year as in 1899 in all but two or three industries, notably building, clothing, transportation and public employment. In the case of the building trades the difference between the two years is very small; the general result is affected chiefly by the large increase in the unemployed members of unions in the clothing trades and in transportation.

The principal causes of idleness are shown below:

TABLE 8.

CAUSES OF IDLENESS AT THE END OF SEPTEMBER.

CAUSE.	NEW YORK STATE.									
	New York City.				Interior towns.		Number.			
	1902.	1901.	1902.	1901.	1902.	1901.	1902.	1901.	1900.	1900.
Slack trade	8,961	8,007	1,479	3,252	10,430	11,259	56.8	60.5	75.1	
Weather or lack of materials.	1,293	1,228	1,016	539	2,309	1,767	12.6	9.4	0.5	
Strike or lockout.....	1,232	1,878	1,069	1,096	2,301	2,973	12.5	16.0	13.0	
Sickness, old age.....	1,621	1,330	658	521	2,279	1,851	12.4	9.9	6.3	
Other reasons	521	253	460	429	981	632	5.3	3.7	4.7	
Reason not stated.....	26	72	51	13	77	85	0.4	0.5	0.4	
Total idle	13,644	12,768	4,733	5,849	18,377	18,617	100.0	100.0	100.0	

As compared with preceding years the proportionate amount of idleness due to slack trade has diminished, and the same is true concerning strikes or lockouts. Unfavorable weather, lack of materials, sickness and old age, accordingly, occupy more prominent positions as causes of idleness. The influence of these different causes in the several industries is shown in table 9:

TABLE 9.
NUMBER OF MEMBERS OF LABOR ORGANIZATIONS IDLE
BECAUSE OF -

INDUSTRIES.	Slack trade.	Weather or lack of materials.	Strike or lockout.	Sickness, old age.	Other reasons.	Reason not stated.	Total.
Building, stone working, etc..	2,510	1,363	236	416	372	44	4,830
Clothing and textiles.....	2,511	25	80	520	130	2	3,268
Metals, machinery, etc.....	841	164	124	243	231	1	1,598
Transportation.....	1,978	86	663	325	87	10	2,849
Printing, binding, etc.....	1,187	.....	301	281	34	3	1,805
Tobacco.....	38	20	.....	208	26	2	294
Food and liquors.....	561	377	30	44	163	16	1,181
Theaters and music.....	348	.....	10	2	1	.....	361
Wood working and furniture..	226	.....	389	76	13	.....	704
Restaurants and retail trade..	331	.....	63	80	23	.....	446
Public employment.....	81	155	150	103	57	.....	546
Miscellaneous.....	118	130	255	32	15	.....	550
Total.....	10,430	2,309	2,301	2,279	981	77	18,377

Unfavorable weather and lack of material mainly affect the building trades, but they also caused considerable idleness in the food and liquor industry. These unemployed were maltsters and brewers who are periodically idle at this season, but many if not most of them find work in some other trade during this idle period.

The largest number of idle men on account of industrial disputes is found in the transport trades. This fact is in part explained by the influence of the anthracite coal strike upon the coal hauling railroads of southern New York, which may have affected a few other trades in a similar way.

III. Number of Days Worked.

The 310,706 members of labor organizations who worked at all in July, August and September accomplished altogether 22,150,489 days' work; that is to say, the average number of days worked per member in this quarter was slightly over 71 days. The average for the men alone was $71\frac{1}{2}$ and for the women 67. The female members of labor unions are so comparatively few

in number that their low average has very slight effect upon the aggregate. Confining the comparison to male members, we shall find that the present year has yielded very steady as well as regular employment.

TABLE 10.

AVERAGE NUMBER OF DAYS WORKED BY TRADE UNIONISTS WHO HAD EMPLOYMENT IN THE THIRD QUARTER OF EACH YEAR.

Year.	Men.	Women.
1897.....	67	66
1898.....	65	64
1899.....	71	71
1900.....	67	65
1901.....	70	66
1902.....	71	67

From the foregoing comparison it appears that the 1902 record was equaled only once before—in 1899. The difference between them is really infinitesimal, as the more accurate figures, carried out to two decimal places, are 71.44 days in 1899 and 71.49 in 1902.

The reason these two years have been so distinguished above other years is found chiefly in the flourishing conditions in the building and clothing trades. In both these industries, the third quarter of 1899 ranks somewhat above that of 1902, but other industries have as a rule made a better showing this year than in 1899, as appears from the following table:

TABLE 11.

AVERAGE NUMBER OF DAYS EMPLOYED (MEN ONLY) IN THE THIRD QUARTER—BY INDUSTRIES.

	AVERAGE NUMBER OF DAYS WORKED.						
	Number employed,	The State,				New York City,	Interior towns,
		1902.	1902.	1901.	1900.	1899.	1902.
1. Building, stone working, etc.....	89,601	69	67	67	60	70	72
2. Clothing and textiles.....	35,861	63	56	54	68	61	74
3. Metals, machinery, etc.....	50,065	76	75	74	76	76	77
4. Transportation	36,897	76	79	76	76	66	80
5. Printing, binding, etc.....	18,833	70	70	69	68	68	75
6. Tobacco	8,680	74	71	71	73	74	74
7. Food and liquors.....	12,461	77	77	67	75	76	78
8. Theaters and music.....	4,089	67	72	65	60	69	61
9. Wood working and furniture.....	11,134	67	70	71	71	66	67
10. Restaurants and retail trade.....	6,992	77	79	77	72	76	78
11. Public employment	8,994	81	84	86	89	79	88
12. Miscellaneous	12,906	74	72	68	67	75	74
Total men	296,513	71	70	67	71	69	76
Total women	14,193	67	66	65	71	64	73

The average number of days of employment in the building trades was 70 in the third quarter of 1899, 60 in 1900, 67 in 1901, and 69 in 1902, while in the clothing trades the averages were 68 in 1899, 54 in 1900, 56 in 1901 and 63 in 1902. The unusually busy season in the garment trades in 1899 is in large measure the explanation of the high average number of days for the female unionists shown in the last line of the table.

The proportion of union members who worked practically full time in July, August and September was 84.1 among the men and 79.3 among the women, thus:

TABLE 12.
DAYS WORKED IN THIRD QUARTER OF 1901 AND 1902.

	MEN.			WOMEN.		
	Number.	Percentage.		Number.	Percentage.	
		1902.	1901.		1902.	1901.
1 month (1-29 days).....	3,217	1.1	1.3	131	0.9	1.1
2 months (30-59 days).....	43,872	14.8	17.3	2,816	19.8	20.2
3 months (60-79 days).....	213,681	72.1	68.4	11,096	78.2	78.6
Overtime (over 80 days)....	35,743	12.0	13.1	150	1.1	0.1
Total	296,513	100.0	100.0	14,193	100.0	100.0

IV. Quarterly Earnings.

In view of the favorable conditions of employment in July, August and September, one looks for unusually large earnings among trade unionists in those months. The Bureau's statistics indicate that earnings were in fact larger than ever before, although this fact is concealed in the general average below:

TABLE 13.
AVERAGE EARNINGS OF TRADE UNIONISTS OF EACH SEX IN THE THIRD QUARTER
(JULY, AUGUST, SEPTEMBER).

	Male.	Female.
1897	\$174	\$92
1898	175	82
1899	197	117
1900	182	107
1901	194	109
1902	197	127

Apparently the average earnings of members of labor organizations were no greater in July, August and September this year than in 1899. But the statistics have already demonstrated that the duration of employment was as long in 1902 as in 1899, and it is perfectly well known that daily rates of wages have been increasing since 1899; why then have earnings not increased also?

The reason that the average earnings show no increase is found in the introduction of new trades into the aggregate, and the new organizations almost always consist of the less skilled wage workers, since organization naturally begins with the best paid workmen and proceeds downward. This fact may be recognized in the following table:

TABLE 14.

DISTRIBUTION OF EACH 100 MALE MEMBERS OF LABOR UNIONS ACCORDING TO AMOUNT EARNED IN THE THIRD QUARTER OF—				
GRADES.	1899.	1900.	1901.	1902.
Less than \$75.....	2.5	4.5	2.3	1.6
\$75-\$149.....	22.1	34.0	22.6	24.9
\$150-\$225.....	41.9	47.1	42.9	42.5
Over \$225.....	33.5	14.4	32.2	31.0
	100.0	100.0	100.0	100.0

The proportion of organized workingmen who earned more than \$225 in the three months under review has thus decreased and the proportion of those who made between \$75 and \$225 has increased—a result of the rapid growth of organized labor in trades and localities not previously organized.

One example of the manner in which the introduction of new unions counterbalances or even overweighs the concurrent increase of earnings is the case of engineers and firemen in New York City. In the third quarter of last year (1901) the average earnings of 5,931 stationary engineers and firemen in the metropolitan unions were \$240.56; this year the average earnings fell to \$224.73; but there were 9,134 members, and more than half of this increase in membership came through a new union of marine firemen whose earnings were considerably below the average for engineers and firemen. If this new union were eliminated the average earnings of engineers and firemen in New York City for the third quarter of 1902 would be \$250.43, or an increase of \$10, instead of the decrease of \$16 that the tables show.

Where membership is subject to such fluctuations as have recently existed in the numerical strength of labor organizations, a general average of earnings is therefore illusory and misleading. The proper comparison is by trades; but this involves so much detail that it must be reserved for the annual

report. The following table includes averages for all sub-groups containing more than 5,000 unionists at work in the third quarter of 1902:

	Number employed, 1902.	1902.	1901.	1900.	1899.
Group I:					
Building and paving trades.....	71,787	\$239	\$227	\$188	\$233
Building and street labor.....	11,179	192	159	160	171
Group II:					
Garment making.....	26,280	143	131	112	149
Group III:					
Iron and steel trades.....	30,545	195	187	179	190
Engineers and firemen.....	13,280	214	226	229	233
Group IV:					
Railroads	16,688	204	207	215	227
Freight handlers, truckmen, etc.....	10,930	144	142	154	....
Group V: Printing, binding, etc.....	18,833	217	227	225	220
Group VI: Tobacco trades.....	8,680	146	138	133	137
Group VII:					
Bakers, butchers, etc.....	5,892	172	172	150	157
Brewery employees.....	6,569	203	200	190	184
Group IX: Wood working and furniture.....	11,124	180	187	180	171

The total number of union men at work who reported earnings was 296,493. Nearly one-quarter of these were in the building and paving trades, and averaged \$239 in July, August and September, 1902, or \$6 more than in the corresponding period of 1899. A still larger increase is reported by the 11,179 organized workingmen who perform ordinary building or street labor.

In the garment trades 26,280 men report an average quarterly income of \$143, which is much larger than in 1901 or 1900, but somewhat smaller than in 1899, when they averaged five more days of work than in the present quarter.

The 30,545 men in the iron and steel trades report average quarterly earnings of \$195, which is larger than ever before. The decline in the earnings of 13,280 engineers and firemen has already been explained as due to the disproportionate increase of unions of firemen as compared with the more highly paid engineers. It is an apparent, not a real decrease.

The decline in the earnings of 16,688 railroad men is a real one, resulting chiefly from enforced idleness during the coal strike. They averaged only 79 days' work in the third quarter this year as compared with 85 last year and 86 in 1899.

The decline of earnings in the printing industry is confined to New York City, which contains about five-sixths of the organ-

ized workingmen in these trades. Outside of New York City the average quarterly earnings of male unionists has increased from \$186 in 1901 to \$193 this year; while in the metropolis they have fallen from \$236 to \$222, notwithstanding an increase in the number of days worked. The decline is due in part at least to the recent organization of newspaper mail deliverers and other branches of the trade in which wages are below the average of the industry.

In the tobacco trades the earnings of men average considerably higher than heretofore. And in the industries devoted to production of food and liquors the quarterly earnings are unusually large.

In the wood working and furniture industry the decrease from last year's average is due to diminished employment, the average number of days worked having been only 67 this year as compared with 70 last year and 71 in 1900.

STATISTICS OF BUILDING OPERATIONS.

I. New York City.

Both in the construction of new buildings and in the remodeling of old structures the season from July 1 to September 30, 1902, exhibited heavier operations than were projected during the same period in the preceding year. The cost of this year's enterprises exceeded the value of those planned in 1901 to the extent of \$7,123,965. Although there was a small decline in the number of alterations begun this year, the increase in the number of new buildings commenced brought the general total up to a figure in advance of that given for 1901. The completions of new buildings and alterations were also greater in number this year.

NEW AND REMODELED BUILDINGS FOR WHICH PLANS WERE APPROVED, THEIR ESTIMATED COST, AND THE NUMBER COMMENCED AND COMPLETED DURING JULY, AUGUST AND SEPTEMBER, 1901 AND 1902.

MONTH.	NUMBER OF BUILDINGS.		ESTIMATED COST OF PROJECTED BUILDINGS.		NUMBER OF BUILDINGS —			
	1901.	1902.	1901.	1902.	Commenced.		Completed.	
					1901.	1902.	1901.	1902.

I. New Buildings.

July	458	523	\$6,192,811	\$11,313,251	474	467	425	415
August	421	504	8,286,940	8,524,829	444	433	444	560
September	447	571	5,281,170	6,364,748	503	587	417	510
Total	1,326	1,598	\$19,720,921	\$26,202,828	1,421	1,487	1,286	1,485

II. Alterations.

July	509	520	\$1,071,633	\$1,368,329	550	534	442	467
August	534	476	1,094,904	1,110,718	526	479	375	402
September	412	472	509,102	838,650	479	492	451	447
Total	1,435	1,468	\$2,675,639	\$3,317,697	1,555	1,505	1,268	1,312

III. Total of New Buildings and Alterations.

July	967	1,043	\$7,264,444	\$12,681,580	1,024	1,001	867	878
August	955	980	9,381,844	9,635,547	970	912	819	962
September	859	1,043	5,770,272	7,203,398	982	1,079	868	957
Total	2,781	3,066	\$22,396,560	\$29,520,525	2,976	2,992	2,554	2,797

II. Buffalo, Rochester and Syracuse.

Buffalo.—The Queen City recovered from Exposition reaction several months since and has now entered upon building operations of almost unprecedented magnitude. The estimated cost of buildings for which plans were filed in July, August and September was almost double what it has been in the corresponding quarter of any recent year. The buildings are mostly intended for industrial purposes, four of them being large plants whose estimated cost in each case approaches or exceeds the \$100,000 limit. As a result contractors and mechanics in the building trades in Buffalo have been very busy.

	NEW BUILDINGS.		REMODELED.		TOTALS.	
	No.	Cost.	No.	Cost.	No.	Cost.
1902.						
July.....	99	\$492,327 00	59	\$46,444 00	158	\$538,771 00
August.....	92	807,945 00	44	72,029 00	136	879,974 00
September.....	223	1,008,599 00	124	71,266 00	347	1,079,865 00
	414	\$1,808,871 00	227	\$189,739 00	641	\$1,998,610 00
1901.						
July.....	42	147,022 00	20	12,532 00	62	159,554 00
August.....	25	238,803 00	19	25,804 00	44	264,607 00
September.....	87	310,425 00	28	29,853 00	65	340,278 00
	104	\$696,250 00	67	\$68,189 00	171	\$764,439 00
1900.....	129	292,868 00	118	192,955 00	243	485,811 00
1899.....	199	839,529 00	145	272,187 00	344	1,111,666 00
1898.....	311	998,175 00	200	150,815 00	511	1,148,990 00

Rochester.—The number of plans filed in the third quarter of 1902 was somewhat larger than it has been in any recent year, but the estimated cost of the projected buildings was a somewhat smaller amount than in the corresponding period of 1901. thus:

PLANS FOR NEW AND REMODELED BUILDINGS FILED IN JULY, AUGUST AND SEPTEMBER.

	NUMBER OF PERMITS.				ESTIMATED COST.			
	1899.	1900.	1901.	1902.	1899.	1900.	1901.	1902.
New buildings	115	132	119	151	\$387,675	\$511,543	\$725,381	\$561,641
Buildings remodeled...	39	60	47	50	85,730	63,953	53,000	71,375
Total	154	192	166	201	\$473,405	\$575,496	\$778,381	\$633,016

Syracuse.—The number of buildings for which permits were granted by the Fire Marshal in July, August and September, 1902, was smaller than in any recent year, but their estimated cost was greater than in the corresponding months of any year

except 1901. This may have been due in part to the recent rise in prices of building materials and in part to the erection of a few structures above the average size and cost in September of the present year.

	NUMBER OF PERMITS.			ESTIMATED COST.		
	New buildings.	Additions and alterations.	Total.	New buildings.	Additions and alterations.	Total.
1902.						
July.....	23	28	51	\$69,000	\$22,855	\$91,855
August	15	23	38	67,225	16,150	83,375
September	29	16	45	176,225	9,675	185,900
	67	67	134	\$312,450	48,680	\$361,130
1901.						
July.....	35	35	70	\$120,875	\$14,047	\$134,922
August	26	37	63	82,740	18,351	101,091
September	30	29	59	167,975	15,885	183,860
	91	101	192	\$371,590	\$48,283	\$419,873
1900.....	71	118	189	215,290	60,510	275,800
1899.....	86	83	169	239,752	46,058	285,810
1898.....	130	78	208	277,935	24,837	312,832

IMMIGRATION AT THE PORT OF NEW YORK.

The statistical records at Ellis Island show that during the third quarter of this year there was an increase of 30.7 per cent in the volume of immigration over the arrivals reported for the corresponding months of 1901. In the two periods the totals were 108,800 and 83,265, respectively.

More than one-fifth of the immigrants who landed in the July-September quarter of the current year were Southern Italians, who numbered 24,256. The Hebrew race, which held second place, represented 19.8 per cent of the total, its numerical strength being 21,578. Next came the Scandinavians, with 9,831, or 9 per cent, while the Germans were fourth, with 9,626, or 8.8 per cent.

In comparison with the third quarter of 1901 the greatest proportional increase this year in the immigration of the principal races was among the Greeks, who gained 1,155, or 193.1 per cent, while the smallest proportion was shown by the Magyars—1.5 per cent. Other elements increased as follows:

RACE.	INCREASE.	
	Number.	Per cent.
Portuguese	943	89.1
Hebrew	8,855	69.6
Finnish	753	67.6
Scandinavian	3,724	61.0
Syrian	548	54.3
Italian (North).....	1,559	44.3
Bohemian	389	38.2
Italian (South).....	6,453	36.2
German	1,926	25.0
French	164	18.2
Irish	770	17.6
English	217	13.7

It is a surprising fact that, although the total number of immigrants who debarked in the quarterly period which ended in September, 1902, was so largely in excess of the aggregate recorded for the similar season a year ago, there was a falling off in the arrivals of five prominent races—namely, the Slovaks, Lithuanians, Ruthenians, Poles and Croatians, the percentages of decrease being, in the order designated, 27.4, 23.1, 20.9, 5.4 and 1.4.

There was only a slight change in the proportions of the sexes this year over those reported for 1901. For the quarter which closed on the 30th of last September the percentage of males was 62, as against 61.7 in 1901, while the percentages of females

were 38 and 38.3, respectively. The greatest disparity exhibited in this year's returns was among the Greeks, 95.9 per cent of whom were males and 4.1 per cent females. The Scandinavians had the smallest disproportion—53.7 per cent males and 46.3 per cent females. In the Irish immigration the females outnumbered the males, the former's percentage being 61.5 and the latter's 38.5. The proportions for some of the other important races are contained in the following table:

RACE.	PER CENT.	
	Male.	Female.
Croatian	77.2	22.8
Italian (North).....	75.6	24.4
Italian (South).....	70.2	29.8
English	67.0	33.0
Syrian	66.3	34.7
Polish	65.0	35.0
Lithuanian	61.2	38.8
Magyar	60.4	39.6
Slovak	59.4	40.6
German	59.1	40.9
French	58.7	41.3
Bohemian	56.7	43.3
Portuguese	55.5	44.5
Finnish	54.8	45.2
Hebrew	53.8	46.2

The proportion of this year's newcomers whose ages ranged from 14 to 45 years was identical with that of the preceding year—77.4 per cent. In the corresponding quarters considered there was very little difference in the proportions of those whose ages were 45 years and over. For 1902 the percentage was 5.6; for 1901 it was 6. A similarly stationary condition was noted in the case of children under 14 years, who in 1902 showed a proportion of 17 per cent and in 1901 16.6 per cent. During the third quarter of this year the proportion of Irish immigrants whose ages ranged from 14 to 45 years was higher than that of any other race—90.5 per cent. The English contingent presented the greatest proportion (10.1 per cent) of men and women 45 years and over, while the maximum proportion of children under 14 years (27.4 per cent) was credited to the Portuguese. This table shows the proportions for all the leading elements:

RACE.	PERCENTAGES OF AGES.		
	14 to 45 years.	45 years and over.	Under 14 years.
Irish	90.5	4.7	4.8
Greek	88.7	1.8	9.5
Croatian	87.5	4.6	7.9
Lithuanian	86.2	1.9	12.9
Polish	84.0	3.3	12.7

RACE.	PERCENTAGES OF AGES.		
	14 to 45 years.	45 years and over.	Under 14 years.
Finnish	83.9	2.7	13.4
Italian (North).....	83.8	4.3	11.9
Magyar	83.4	3.6	13.0
Scandinavian	82.6	5.2	12.2
Slovak	82.4	8.8	13.8
English	76.0	10.1	13.9
Italian (South).....	75.7	6.9	17.4
Syrian	75.6	4.8	19.6
German	75.3	6.5	18.2
Bohemian	73.6	5.5	20.9
French	72.6	9.5	17.9
Hebrew	67.8	5.5	26.7
Portuguese	63.4	9.2	27.4

Between July 1 and September 30, 1902, 25.9 per cent of the immigrants who were 14 years of age and over could neither read nor write any language. For the same period of last year 26.9 per cent were wholly illiterate. This year 0.3 per cent were able to read, but they could not write. Last year 0.6 per cent were thus classified. In this year's arrivals the Portuguese had the largest proportion of illiterates—65.3 per cent. That race occupied the same position in 1901, with 82.2 per cent. The Scandinavians displayed the least amount of illiteracy this year—0.3 per cent. They likewise showed the smallest proportion last year, when it was 1 per cent. A comparative statement of the percentages of illiteracy of other races for the two quarters under consideration will be found below:

RACE.	PERCENTAGE OF ILLITERACY.	
	Third Quarter—	
	1902.	1901.
Syrian	57.7	62.2
Ruthenian	52.0	28.9
Italian (South).....	50.7	55.3
Lithuanian	49.9	44.8
Polish	31.8	31.9
Hebrew	30.2	31.4
Croatian	25.5	31.0
Greek	23.9	21.4
Slovak	23.2	26.9
Italian (North).....	14.0	11.9
Magyar	11.3	10.1
Dutch	7.7	8.0
French	5.5	2.9
Irish	4.4	2.2
German	2.9	3.1
English	1.5	1.2
Bohemian	1.3	2.2
Finnish	0.4	2.6

New York State was the avowed destination of an exceedingly large number of aliens who arrived in the third quarter

of 1902, no less than 44.5 per cent naming it as their future permanent abiding place. The proportion of those who landed during the like period of 1901 and declared their intention of remaining in this State was 39.7 per cent. Those bound for Pennsylvania were somewhat smaller in number this year than in 1901, the respective percentages being 15.4 and 20.6. This decline was probably due to the industrial dispute in the anthracite coal fields in that State. Only 2,125 immigrants, or 2 per-cent of the total this year, were destined to the fifteen States and three Territories constituting the South Atlantic and South Central Divisions. The proportions who went to other States in the July-September quarter of 1902 and 1901 were:

STATE.	1902.	1901.
	Per cent.	Per cent.
Illinois	6.4	6.1
Massachusetts	6.4	5.6
New Jersey	4.9	5.8
Connecticut	3.4	3.0
Ohio	3.3	3.8
Michigan	2.0	2.0
Minnesota	1.8	1.4
California	1.7	1.7
Wisconsin	1.5	1.2
Rhode Island	1.1	1.0

AVOWED DESTINATION OF IMMIGRANTS WHO LANDED AT THE PORT OF NEW YORK DURING THE QUARTER ENDED SEPTEMBER 30, 1902.

Alabama.....	189	Montana.....	228
Alaska.....	4	Nebraska.....	457
Arizona.....	64	Nevada.....	47
Arkansas.....	13	New Hampshire.....	124
California.....	1,843	New Jersey.....	5,366
Colorado.....	770	New Mexico.....	31
Connecticut.....	3,673	New York.....	48,445
Delaware.....	112	North Carolina.....	12
District of Columbia.....	88	North Dakota.....	418
Florida.....	103	Ohio.....	3,622
Georgia.....	48	Oklahoma.....	26
Hawaii.....	8	Oregon.....	212
Idaho.....	69	Pennsylvania.....	16,798
Illinois.....	6,909	Porto Rico.....	1
Indiana.....	471	Rhode Island.....	1,154
Indian Territory.....	35	South Carolina.....	10
Iowa.....	803	South Dakota.....	398
Kansas.....	321	Tennessee.....	82
Kentucky.....	57	Texas.....	316
Louisiana.....	224	Utah.....	105
Maine.....	147	Vermont.....	192
Maryland.....	248	Virginia.....	108
Massachusetts.....	7,016	Washington.....	458
Michigan.....	2,171	West Virginia.....	492
Minnesota.....	1,959	Wisconsin.....	1,580
Mississippi.....	18	Wyoming.....	121
Missouri.....	693	Total.....	108,800

VOLUME OF IMMIGRATION AT THE PORT OF NEW YORK FOR THE QUARTERS ENDED SEPTEMBER 30, 1901 AND 1902, BY RACES, SEXES AND AGES, WITH THE NUMBER OF ILLITERATES REPORTED FOR THE THIRD QUARTER OF 1902.

RACE OR PEOPLE.	QUARTER ENDED SEPTEMBER 30, 1901.										QUARTER ENDED SEPTEMBER 30, 1902.									
	SEX.		TOTAL.		AGES.		45 and over.	SEX.		TOTAL.		AGES.		Can read but can not write.	Can neither read nor write.	ILLITERATES 14 YEARS OLD AND OVER.				
	Male.	Female.	Under 14 years.	14 to 45.	Male.	Female.		Under 14 years.	14 to 45.	45 and over.										
African (black)	5	2	7	1	1	3	1	4	.....	.....	.....	.....	.....	.....	.....	.....
Arabian	16	.....	16	12	13	261	72	353	.....	.....	.....	.....	.....	.....	.....	.....
Armenian	259	68	327	35	279	609	609	1,406	.....	.....	.....	.....	.....	.....	.....	.....
Bohemian, etc.	557	460	1,017	203	737	797	15	243	.....	.....	.....	.....	.....	.....	.....	.....
Bulgarian, etc.	250	26	276	10	162	248	248	21	.....	.....	.....	.....	.....	.....	.....	.....
Croatian, etc.	1,631	604	2,235	232	2,004	119	733	3,211	.....	.....	.....	.....	.....	.....	.....	.....
Dalmatian, etc.	188	28	216	11	193	218	21	339	.....	.....	.....	.....	.....	.....	.....	.....
Dutch, etc.	389	256	645	166	441	526	299	825	.....	.....	.....	.....	.....	.....	.....	.....
East Indian	2	.....	2	2	2	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....
English	1,017	563	1,580	213	1,206	161	591	1,797	.....	.....	.....	.....	.....	.....	.....	.....
English	61	502	1,114	138	930	46	1,263	844	.....	.....	.....	.....	.....	.....	.....	.....
Finnish	543	356	899	150	665	84	624	1,063	.....	.....	.....	.....	.....	.....	.....	.....
French	4,486	3,214	7,700	1,222	5,862	615	5,689	9,937	.....	.....	.....	.....	.....	.....	.....	.....
German	561	37	598	55	524	19	1,081	166	.....	.....	.....	.....	.....	.....	.....	.....
Greek	3,200	6,523	12,723	4,071	7,875	777	11,606	17,722	.....	.....	.....	.....	.....	.....	.....	.....
Hebrew	1,730	2,635	4,365	204	3,971	190	1,978	5,772	.....	.....	.....	.....	.....	.....	.....	.....
Hungarian	2,903	918	3,821	396	2,942	183	3,040	5,135	.....	.....	.....	.....	.....	.....	.....	.....
Italian (North)	12,734	5,069	17,803	3,081	13,156	1,566	17,034	24,256	.....	.....	.....	.....	.....	.....	.....	.....
Italian (South)	6	.....	6	6	6	27	.....	4	.....	.....	.....	.....	.....	.....	.....	.....
Japanese	1,140	731	1,871	290	1,564	890	558	1,438	.....	.....	.....	.....	.....	.....	.....	.....
Lithuanian	1,481	887	2,368	277	1,988	53	1,441	3,009	.....	.....	.....	.....	.....	.....	.....	.....
Magyar	4,588	2,914	7,502	1,000	6,485	227	4,795	9,937	.....	.....	.....	.....	.....	.....	.....	.....
Polish	614	444	1,058	317	640	121	1,110	2,001	.....	.....	.....	.....	.....	.....	.....	.....
Portuguese	250	145	395	248	15	38	16	104	.....	.....	.....	.....	.....	.....	.....	.....
Romanian	49	13	62	5	54	2	152	8	.....	.....	.....	.....	.....	.....	.....	.....
Russian	761	337	1,098	83	979	35	615	866	.....	.....	.....	.....	.....	.....	.....	.....
Ruthenian	8,135	2,972	11,107	532	5,132	373	5,778	9,831	.....	.....	.....	.....	.....	.....	.....	.....
Slovakian	252	108	360	47	280	33	298	434	.....	.....	.....	.....	.....	.....	.....	.....
Slovene	8,204	1,727	9,931	652	4,250	129	2,167	4,651	.....	.....	.....	.....	.....	.....	.....	.....
Slovak	64	9	73	.....	74	3	80	107	.....	.....	.....	.....	.....	.....	.....	.....
Spanish	647	363	1,010	196	783	29	1,018	1,558	.....	.....	.....	.....	.....	.....	.....	.....
Swedish	4	.....	4	4	1	40	1	41	.....	.....	.....	.....	.....	.....	.....	.....
Swedish	107	53	190	40	130	152	73	230	.....	.....	.....	.....	.....	.....	.....	.....
Welsh .....	.....	.....	.....	.....	.....	32	24	56	.....	.....	.....	.....	.....	.....	.....	.....
West Indian .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	51,408	31,857	83,265	13,768	64,472	67,459	41,841	108,800	.....	.....	18,007	84,280	244	.....	.....	23,410

NEW YORK STATE FREE EMPLOYMENT BUREAU.

Report of Superintendent.

The quarter ending September 30, 1902, winds up the summer work for the current year. During the month of July work was practically at a standstill owing to the fact that there were twenty-six wet days, which told very heavily on country hotels, boarding houses, etc., and corresponding effect was felt at this Bureau. There was a falling off in the number of applicants for help and work as contrasted with last year, and yet there was an increase in the number of situations secured.

During the quarter there were 1122 applicants for work, 873 applicants for help and 970 situations secured.

The number of situations secured, it will be noticed, is greater than the number of applicants for help, but very often it is the case that one application for help calls for more situations to be filled than one.

The following table shows the work of the Bureau for the quarter ending September 30, 1902, contrasted with the corresponding quarter of 1901:

	Applicants for work.	Applicants for help.	Situations secured.
1902	1,122	873	970
1901	1,522	1,027	898
Percentage of applicants securing employment 1902, 79.			
Percentage of applicants securing employment 1901, 59.			

Respectfully submitted,

JOHN J. BEALIN,
Superintendent.

INDUSTRIAL DISPUTES AND AGREEMENTS.

The Bureau of Mediation and Arbitration recorded 37 fresh disputes in July, August and September, details concerning which are given in the last table of the Appendix. In the aggregate these disputes involved 441 firms or associations of employers and 10,035 employees who lost altogether about 100,000 days of work. There were also three disputes begun before July 1st, which were terminated in the third quarter.

More than two-thirds of the strikers stopped work to enforce a demand for an increase of wages, while other leading causes were proposed reduction of wages, demand for shorter hours, recognition of trade unions, etc.

More than one-half of the workmen engaged in industrial disputes were successful, and less than one-fifth of them failed entirely, as may be seen in the following summary:

	DISPUTES—			EMPLOYEES DIRECTLY CONCERNED IN DISPUTES BEGUN—		
	Begun in third quarter.	Begun before July 1.	Total.	In third quarter.	Before July 1.	Total.
<i>Causes:</i>						
Increase of wages.....	18	.....	18	6,977	.....	6,977
Reduction of wages	3	.....	3	602	.....	602
Hours.....	7	.....	7	639	.....	639
Trade unionism.....	4	2	6	292	470	762
Particular persons.....	3	.....	3	371	.....	371
Working arrangements	1	1	2	58	14	72
Sympathetic strikes.....	1	.....	1	350	.....	350
Total.....	37	3	40	9,289	481	9,770
<i>Results:</i>						
In favor of workpeople	10	.....	10	5,941	.....	5,941
In favor of employers.....	10	2	12	1,202	470	1,672
Compromised	11	1	12	1,639	14	1,653
Pending or not reported	6	.....	6	507	.....	507
Total	37	3	40	9,289	481	9,770

The most important disputes, measured by the time lost were the following:

New York carpenters, 4,300 men, duration 9 days; time lost about 18,000 days.

New York painters, 650 men, duration 24 days; time lost about 15,600 days.

Sayville oystermen, 270 men, duration 66 days; time lost 16,200 days.

Elmira bridge workers, 400 men, duration 68 days; time lost about 15,000 days.

Hudson Valley railway employees, 200 men, duration 54 days; time lost 10,800 days.

The New York carpenters' and painters' strikes were described in the September BULLETIN; the Hudson Valley Railway strike, which became so serious as to require the presence of the National Guard, is described in a separate article below. Other articles deal with the successful strike of the piano and organ workers of New York City for the nine-hour day, the partially successful strike of the silversmiths for the same purpose and the dispute between the plasterers and contractors of New York City.

Hudson Valley Railway Strike.

The most serious dispute of the third quarter of 1902 was a general strike upon the lines of the Hudson Valley Railway Company, beginning September 1st. The company operates 87 miles of electric railway, extending from Waterford to Warrensburg, with a branch line to Saratoga. On August 23d an accident occurred at Fort Edward, a freight car colliding with a passenger car at the foot of a grade. The company's superintendent after investigation discharged Motorman Osgood of the freight car on the ground that he had been grossly negligent in handling his car on the grade. Osgood maintained that the accident was caused by the failure of the brake to work properly, and not by any fault of his own.

Under an agreement signed by the company and employees in May, 1902, Osgood had the right to appeal from the superintendent's decision to the company's executive committee. He did not avail himself of this privilege at the time, however, and the matter was taken up by the organization to which all the employees belonged and which was a branch of the Amalgamated Association of Street Railway Employees No. 132 of Troy. It appears that several differences before the accident had already occasioned some friction between the company and the union. A demand for Osgood's reinstatement having been refused, a general strike to enforce the demand was ordered at a meeting held in Mechanicville on August 30th.

On Monday, September 1st, the 200 employees of the railway remained away from work and all traffic was suspended. Two

days later State Mediator of Industrial Disputes Bernard Stark visited Glens Falls and tendered each of the parties the services of the State Board of Mediation and Arbitration. A conference was arranged for the afternoon, which Mr. Stark attended at the invitation of the parties. The company was represented by President A. B. Colvin with General Manager Powers and Mr. O'Connor, counsel of the road, and the men by President William B. Fitzgerald of the Troy union, Attorney Dillon and a committee of six from the Glens Falls Trades Assembly. A copy of the demand by the union for Osgood's reinstatement was presented by Mr. Colvin and read. Thereupon Mr. Fitzgerald announced that the union had other demands to present, chief among which was one for an increase of wages for conductors and motormen from 16 and 18½ cents to 20 cents per hour. These demands were a complete surprise to the company, who had supposed that the sole point at issue was the retention of the discharged motorman. There was in force at the time an agreement covering wages and hours dated May 16, 1902, and signed by the company and the union, section 7 of which was as follows:

"Section 7. The party of the second part [the union] agrees that in consideration of the several agreements herein contained to be performed by the company that the members of said Division will discharge their respective duties in an efficient, faithful and skillful manner until July 1, 1903, at the scale of wages above enumerated [16 and 18½ cents per hour, according to length of service] said scale of wages to take effect June 1, 1902."

It was contended by the company that the demand for an advance in wages was a direct violation of this section. To this the employees replied that the agreement had been already broken by the company, in that the rate of wages specified therein for power house firemen had not been paid. The facts on this latter point are that the schedule in the contract fixed the firemen's wages at 16 cents an hour, but did not specify the hours per day. The firemen actually worked 12 hours a day, both before and after the making of the agreement, and claimed that they were entitled therefore to \$1.92 per day. They were paid, however, but \$1.60 per day, the company's reasons for this being thus stated by its president in a letter of August 16th, addressed to the president and members of the union:

"Sixth. In the matter of wages to be paid firemen, your executive committee with whom contract was made will, I think, bear me out in the following statement:

"I took up reluctantly adjustment of the scale of wages with all others except motormen and conductors. Mr. Clark who knew all about the wages of these men and employed them, was away at the time attending the funeral of his brother. We had promised you an answer on a certain date and could not await his return and fulfill our pledge. A large number of your men in the several classifications treated came to the office and with them the subject was taken up. The members of your executive committee and myself stated to them that a scale of ten cents per day in advance of wages paid, or as near that as possible to arrange, had been agreed to by our company, through me, to be presented to your organization for its approval. All classes of employees other than motormen and conductors were requested to state the wages they were paid. This they did. We knew nothing whatever about this matter except as the men themselves stated. The firemen claimed they were receiving fifteen cents an hour, and were on that statement, raised to sixteen cents an hour, the intention being that they should receive ten cents a day more than heretofore. Now, as a matter of fact, they were receiving \$1.50 for twelve hours' work, which would on the scale as agreed to by us, based on their statement, increase their pay not ten cents per day, but forty-two cents per day. We submit in all seriousness that no member of the committee, neither the firemen themselves, understood there was to be any such raise as this, and we are acting in good faith in our willingness to do in spirit and in letter absolutely what we proposed; namely, raise the wages of this class of employees ten cents a day."

It should be added here that a week after the strike occurred the company offered to recede from their position and concede \$1.92 with back pay to the firemen. At that time, however, the question of firemen's wages had become but a minor one in the conflict.

The conference of September 3d resulted in the drafting of an agreement by a committee of six, three from each side, as follows:

The company will continue to treat with any committee of its employees representing organized labor when they desire to be heard in relation to any grievance.

Any man discharged or suspended shall be entitled to appeal to the general manager and from him to the executive committee, and to have a hearing by that committee. The men are to be paid for time lost when they have been suspended or discharged and found not guilty.

The motormen and conductors shall be members of the Amalgamated association, but on or before January 1, 1903, shall form an association, composed exclusively of Hudson Valley employees.

There will be no discrimination against any of the employees on account of the present strike.

The wages of conductors and motormen shall be 16 cents an hour; those who have worked for the company two years consecutively, 18½ cents an hour; interurban conductors and motormen are to be paid 25 cents per day extra for inspecting cars, unless they are being paid 18½ cents an hour, when they are to be paid 15 cents per day for such service; engineers, pitmen and steamfitters to have present wages; blacksmiths, \$1.85; battery men, 16 cents an hour; machinists 21 cents; barnmen and pitmen's helpers, 16 cents; laborers, 15 cents; all time spent on cars to be paid for, whether moving or not. Firemen shall be paid such sum as may be agreed upon with them before October 1, the amount to be what it was intended they should receive under the contract of May 16, and in case such sum cannot be agreed upon the same shall be determined by David Hall, Charles Hartman and Timothy Sweeney.

The oldest men to be given the preference of runs so far as practicable.

No proposition for a strike shall be acted upon by any division at the same meeting at which it was introduced, but at least forty-eight hours shall elapse before such proposition shall be acted upon, and if a strike is ordered it shall not take effect until six days have elapsed after notice to the company. The agreement is to be binding for one year, except the wage schedule, which is binding to July 1, 1903.

In the case of Howard Osgood, it is agreed that he is to appear before the executive committee Monday morning, September 8, at Waterford, and shall be given an impartial hearing. In case their decision is not satisfactory to Osgood, the matter shall be submitted to arbitrators, selected in the usual manner, who shall meet within twenty-four hours, their determination to be final.

This proposed agreement differed in substance from that of May previous only as to the formation of a separate union, firemen's wages, delay in declaring strike and Osgood's case. A copy was signed for the railway company at the conference but when presented later to a meeting of the strikers it was rejected by them, the motormen and conductors being insistent upon a wage rate of 20 cents an hour.

The company now undertook to operate with non-union men. On September 13th the first car was run, guarded by special deputies and without passengers, and from that time on cars similarly guarded were run at intervals on some of the lines. The attempt to resume traffic was immediately followed by disturbance of the peace, destruction of property, and rioting. Upon the demand of the company for protection, deputies were sworn in by the sheriffs of Saratoga, Warren and Washington counties, and on September 17 and 18 three local companies of the state militia were called out.

On September 18th Commissioner of Labor McMackin and Mr. Stark visited Glens Falls in a second effort to arrange a settlement. A conference with the committee from the union and the Glens Falls trades assembly resulted in an offer by the committee to submit to arbitration, the three issues to be decided being: (1) the reinstatement of Osgood; (2) an advance in wages for motormen and conductors to 20 cents per hour; and (3) the formation of a separate union. This proposition was the same day presented to the president and counsel of the company by Commissioner McMackin, accompanied by Mr. Stark, only to be emphatically rejected by the railway's two representatives. The following statement with reference to this refusal of arbitration was made by the general manager of the company on the 19th:

"On Sunday immediately following the strike, Mr. Colvin and a committee of the men consisting of Mr. Fitzgerald, Mr. Frost and Mr. Murray, agreed that the men would go back to work Monday morning and that the question of the discharge of Osgood should be submitted to arbitration. This was refused by the men, stating that Osgood must be reinstated first.

"In the agreement which was drawn Wednesday following the strike, and signed by Mr. Colvin as president and Mr. O'Connor as secretary, were two clauses, one providing for arbitration in the matter of Osgood and the other arbitrating the question of the firemen's wages and selecting the three men from the union with whom the contract was made as arbitrators. Finally on the second Sunday succeeding the strike the company offered to pay the sum which the men claimed was due the firemen, including back pay, and in the future the rate which they claimed the contract gave them, thus receding from the position it had taken with regard to the firemen's wages and giving the men just what they claimed.

"Having first submitted and requested arbitration, and as will be seen from Mr. Colvin's letter of August 16, offering to arbitrate any question that might come in dispute between the company and the men, and the men having refused to consider anything except their dictation and making additional complaints as fast as they had their way, and having kept that up until this company had gone to the expense of bringing men here to operate its road, we cannot and will not recede from the position taken in my first statement to the public. We shall operate the road as best we can and I have nothing to add to the statement issued by me Monday night."

On the same day that the above statement was published the company secured from Supreme Court Justice Houghton at Saratoga a temporary injunction restraining the strikers from interfering in any way with the motormen, conductors and others who had taken their places, forbidding them to picket

the lines and property of the company and calling upon them to deliver up the keys, badges and other insignia of their former positions. This had little effect, however, upon the disturbances incident to the struggle over the operation of the road, and on October 7th Governor Odell ordered out the entire Second Regiment of the National Guard. This action was taken after a conference between Sheriff Gill of Warren County, the railway officials, the trustees of Glens Falls and Major Davis of the Second Battalion, at the conclusion of which the sheriff telephoned to the Governor for more troops. After sending Colonel Lloyd to Glens Falls and receiving from him a verbal report by telephone, the governor issued the call for the regiment.

The next important development in the controversy was an attempt at arbitration. A number of conferences begun Friday, October 17, in which several prominent citizens of Glens Falls as well as representatives of the parties participated, finally resulted in the following agreement:

This agreement, made this 20th day of October, 1902, between A. B. Colvin, representing the Hudson Valley Railway Company, party of the first part, and Daniel L. Dilworth, for and in behalf of the late, or striking employees of the said Hudson Valley Railway Company, is as follows, to wit:

"The parties of this agreement hereby agree to submit all questions, of every kind, character and description, to a board of arbitrators, to be appointed as follows:

The said Hudson Valley Railway Company by its president, A. B. Colvin, shall appoint one member of said board of arbitrators, and Daniel L. Dilworth, representing the said late employees of said railway, shall appoint one member of said board, and the two members so appointed: shall appoint the third member of said board, if necessary to reach a conclusion, should said members fail to agree on any point or points. They, the said board, shall meet at 1 p. m., Tuesday, October 21st, hear all questions in dispute, and properly brought before them. After hearing, the commission shall at the earliest time, not later than noon, October 22d, render their conclusions and findings in writing, and such findings shall be final and absolute, and binding on the parties to this instrument."

(Signed)

A. B. COLVIN,

For Hudson Valley Railway Company.

DANIEL J. DILWORTH."

A postscript reads: "I hereby approve the above on behalf of Central Trades Assembly of Glens Falls, N. Y.

JAMES O'NIEL."

Mr. B. S. Josselyn, general manager of the railway, and Mr. James M. Sheehan, a member of the Albany street railway employees' union, were named as arbitrators. But an informal conference between the two, preliminary to the first formal meeting, at once developed a difference of opinion as to the scope of the arbitration. Mr. Sheehan stated that his understanding was that the men on strike were to be reemployed and that the arbitrators had simply the conditions upon which they should return to decide. Mr. Josselyn maintained that the question of the strikers being reemployed was the first one for the arbitrators to settle. When the formal meeting convened the same question immediately came up again, and upon Mr. Josselyn's insisting that his view was correct, Mr. Sheehan refused to accept it and withdrew, which abruptly terminated the arbitration proceedings. Business men of Glens Falls on the evening of the same day and on the following day endeavored to secure the appointment of new arbitrators from a list of twenty-five prepared by themselves. The president of the company signified his acquiescence in this plan, but the proposition was not accepted by the men.

The end of the strike was finally brought about through compromise propositions offered by the men. On November 1st a committee called upon the president and general manager of the company and after consultation suggested terms of settlement which with some amendments were accepted by the railway officials. On the next day these terms were accepted by unanimous vote of the striking employees, who returned to work on Monday, November 3d, the military being withdrawn the same day. No contract was signed by the parties, but the terms of settlement, as summarized in press dispatches, were as follows:

Motormen and conductors who have been in the employ of the company less than two years will receive an increase of wages from 16 cents to 17 cents an hour, and those who have been employed over two years will be advanced from 18½ cents to 19 cents an hour.

The inspection of cars on the Waterford division, which has heretofore been done by the motorman, will hereafter be done at night by men employed for that purpose. The motormen on that division will therefore not receive the amount heretofore paid for that service. The men employed less than two years have received 25 cents a day and those over two years 15 cents a day for such inspection.

All the old employees will be taken back except those against whom indictments have been found, and they will be re-employed if acquitted of the charges against them. All will receive their old positions. The men who deserted the union and went back to work will be retained in the employ of the company.

The Hudson Valley men will sever their relations with the Albany and Troy union, and organize a division of their own. The company refuse to enter into a contract with any organization; reserving the right to employ and discharge whom they please, but will not discriminate against union or non-union men.

The case of Osgood, who was discharged on account of a collision on the Waterford division, remains as it stood originally. General Manager Josselyn will give Osgood a hearing and report his findings.

Hereafter all grievances will be heard and determined by the general manager.

The net result of the strike was, therefore, an advance of five or ten cents per day in wages and the separation of the employees from the Troy union to form a local organization. The struggle is said to have cost the company nearly \$200,000, the employees lost over 10,000 day's work, the three counties concerned incurred an expense of about \$50,000 for military protection, and Glens Falls trades people suffered heavily. Several persons were indicted for rioting, two of whom prior to December had been convicted and committed to jail for 300 and 150 days respectively in default of fines.

Finally, Howard Osgood, whose discharge precipitated the strike, was given a hearing on November 22d and two days later was reinstated in the service, the general manager ruling that he had been unjustly discharged.

New York City Plasterers.

When the Manhattan Borough Operative Plasterers' Society (local No. 25 of the International Association) formulated its successful demand for an increase in wages from \$4.50 to \$5 per day in the spring of this year, it adopted a new set of by-laws governing trade matters. These regulations, which were subsequently printed in pamphlet form, headed "Instructions for Foremen Plasterers and Information for Employers," contained several provisions the enforcement of which later in the year met with opposition on the part of the Employing Plasterers' Association and eventually precipitated a general lockout of the latter's employees. The particular sections to which

objection was made were embodied in five of the six articles that comprised the trade rules, and were as follows:

"Foremen.

"Section 1. Any member desiring to act in the capacity of foreman must not be less than six months in good standing in this society. He shall see that all men working under him are in good standing in this society.

"§ 2. * * * Should the employer hire a non-member and send him to said foreman he (the foreman) must report the fact to this society on the first Tuesday or Thursday evening. Should he fail to do this, he immediately becomes responsible to this society for the initiation fee of said non-member.

"§ 3. * * * If plans and specifications are not on the building, he [the foreman] must inform the delegate of this society where they can be seen. * * *

"§ 4. Any foreman insisting on rushing the men or bringing about a condition of affairs that would be detrimental to the members of this society, or failing to do his duty as herein prescribed, on charges being preferred against him, the delegate shall suspend him, and he shall remain suspended until tried on said charges. Should he be found guilty, he shall for the first offense be fined the sum of \$50, or he shall not be recognized as a foreman for a term of three years, at the option of this society, and for the second offense he shall be fined not less than \$50 and never again be recognized as a foreman by this society.

"§ 5. Any foreman who shall injure his fellow members in the eyes of his employers, for a refusal to violate the laws, or for taking a prominent part in the affairs of this society, when found guilty, he shall never again be recognized as a foreman by this society.

"Scale of Work.

"Section 1. In tenement houses where there are ten rooms and a lobby or hallway to each floor or flat, the time for scratch coating rooms and hallway on said flat or floor shall be two days, or one day each for two men.

"§ 2. The time for browning in said tenement houses for ten rooms and hallway shall be six days, or three days each for two men.

"§ 3. In browning where there are extra rooms or extra closets, there shall be extra proportionate time allowed.

"§ 4. The time for hard finishing ten rooms and hallway in tenement houses shall be six days, or three days each for two men.

"§ 5. For cornicing and finishing ceilings in tenement houses, the time for each room, with four angle and two break miters, done with a common mould about seven inches projection, shall be one day, or one-half day each for two men. When there is a square panel the time shall be one and one-half days, or three-quarters of a day each for two men. If a cove mould is used the same time to be observed as above.

"Character of Work.

"Section 9. When any portion of a building is reserved for a special character of ornamental decorations, it shall be permissible to submit estimates for same; said estimate for the said reserved portion must in-

clude all parts of plastering, plain and decorative. Mouldings to be run in place; and it shall be done by the contractor for the same; no sub-letting will be allowed. On completed new buildings cast mouldings may be stuck on all parts that were previously moulded in place.

"Imported models or castings shall not be handled by members of the O. P. S.

"Rules of Work.

"Section 1. All plain plastering in the building shall be executed by non-shop hand plasterers. This rule shall not apply to members who are competent in all branches of the trade.

"§ 6. Time allowance above the twelfth story when elevator service is not furnished.

"§ 10. On being laid off or sent to another job, members shall receive thirty minutes before noon time in order to clean and pack their tools.

"Country Work.

"Section 1. On country jobs, city hours and wages shall be enforced and city wages paid to and from job; board and traveling expenses also to be paid.

"§ 2. Extra time shall be paid at the proportionate rate of city wages. Permission given to employers to employ on country work one-half local union men at local union rates.

"This section applies only to any locality where there is a local union of the Operative Plasterers International Association having jurisdiction.

"On all other country jobs none but members of the O. P. S. shall be employed."

The dispute that culminated in the lockout occurred on a new hotel building on which a member of the Employing Plasterers' Association had been awarded a contract to do the plain and ornamental plastering. He had sub-let the decorative work, and to this the union had taken exception. The trouble arose primarily over the union's interpretation of section 9 of its rules relating to the "character of work." Its construction of this provision was that when an employer contracted to do all the plaster work, plain and decorative, he should have the whole of it performed by his own journeymen instead of sub-letting it to other contractors, who invariably engaged a new force of workmen to complete the job, thus depriving those who had done the plain plastering—the most laborious part of the work—of the opportunity to do the ornamental portion, the labor on which is not so arduous, the union contending that its members were competent to do both. The organization claimed that in nearly all large hotel and apartment buildings in course of erection there are certain rooms reserved for a special char-

acter of decorations, and this class of work is not generally included in the original contract, but is afterward specially provided for. It therefore did not object to a concern who secured one of these special contracts hiring men other than those who had done the plain plastering. Its rule simply covered the case of a firm who had contracted to do the entire job. The plasterers' society furthermore declared that the employers evidently evinced a disposition to force the men to become specialists, thus increasing the labor of each class irrespective of the quality of work performed. If the employment were divided as was apparently contemplated, it was asserted, one set of men would do the brown work, while the other divisions would consist of hard finishers, cornice hands, stickers of ornaments, ornament casters, mould makers, model makers, and pointers-up, all of which now constitute a single trade.

On the other hand, the employers took the position that the Operative Plasterers' Society had presumed to dictate the control and direction of their business affairs. "To submit to any of these conditions in the form in which they now confront us," the employing plasterers averred, "would mean the entire disorganization of our business and the turning over of the direction of our affairs to the workmen. The men are attempting to compel the plain plasterers to do the ornamental work and the ornamental plasterers to do the plain work, and when we state that the two trades are as distinct as high-class cabinet-making and house-framing, and the ability to perform this work is as equally distinct between the workmen themselves, we state only the naked truth. It is furthermore forcing the employers to enter into a business for which many have no desire or sufficient knowledge of and would create a monopoly for one side or the other, stifling competition to the injury of the public. Under their ruling of a non-existing law it is impossible for the employers to carry to completion their present contracts."

The next important point over which both sides disagreed was in relation to foremen. While the employers did not object to the former belonging to the union, they were opposed to compelling them to see that all men in their employ were in good standing with the society. They said the delegate of the union was the proper person to look after such matters and it was

not the business of the employers or their foremen to do so. With regard to the clause providing that if plans and specifications are not on a building the foreman must inform the delegate where they may be seen, the employers announced that the details of the construction and the materials used therein were things that concerned only those who directed the work, and that anything pertaining to plans and specifications was entirely outside of the province of the union. They likewise objected to the suspension of foremen before they were regularly tried on charges, arguing that it opened the way for a great deal of injustice, because any workman with a supposed grievance could easily trump up a charge against a foreman and thereby cause his suspension. It was also set forth that under this article all foremen might be intimidated to such an extent that they could not properly represent their employers, who considered that the short hours of employment and the high rate of wages that prevailed required them to insist upon every man doing a good day's work.

The rejoinder of the union to the above objections was that if an employer agreed to engage none but union help, it was as much to his interest to ascertain if all men on a job were members of the society as it was to the interest of the latter; that by not exercising sufficient care in the employment of workmen the employers were at all times liable to be put to annoyance and possible loss by reason of a strike against non-union help, and to avoid such contingency they should either directly or through their foremen act in conjunction with the union in the enforcement of this rule. A non-unionist, it was stated, could without difficulty obtain a union permit to work until his proposition for membership was acted upon; it would not entail much effort upon foremen to inquire whether or not a workman was a member of the society, and if he did not prove to be affiliated with it he could soon apply for a permit and begin work. Respecting the rule as to the examination of plans and specifications by the delegate, the union urged that it was the duty of good mechanics to see that work was done according to contract, and that to accomplish this end it was necessary for them to know the kind of material stipulated in the specifications, thus enabling them to prevent the substitution of an

inferior article and thereby protecting an owner against the possibility of fraudulent practices. So far as the suspension of foremen who persisted in rushing the men was concerned, it was pointed out that the employees were often overtasked, and botched work, as well as an unsanitary condition of the buildings, was the inevitable result. The union insisted upon contracts being performed in a workmanlike manner, and that could not be done when foremen were permitted to continue to discharge men because they could not keep up a pace that produced exhaustion or ill-health and endangered life. Charges were first submitted to a regular union meeting, the suspension from the foremanship following if they were declared cognizable, but the defendant foreman was allowed to do journey work on the job pending the decision in his case after an impartial trial by his peers.

As to the five sections under the caption "Scale of work," specifying the amount of labor that should be done by each mechanic, the union affirmed that under this plan a thoroughly workmanlike job could be accomplished. If the scale were enlarged inferior work would ensue. The employers dissented to these rules, "as the union has no right to dictate how much a man shall do. In so far as the amount stated, it is more than an average man can do." Yet, observed the employers, there were members of the society who could do more than that stipulated, and they should not be deterred from doing it.

With reference to the refusal of its members to handle imported models or castings, the union justified its attitude on the ground that it was endeavoring to protect the domestic trade against the competition of foreign cheap labor; that the plans of any special design from the Old World could be equally as well brought in and the work executed here; that it was of the belief that many of these finished productions were undervalued when they reached this country and were passed through upon the payment of a comparatively small duty; that it could control the situation better by declining to handle them instead of going to the trouble and expense of constantly bringing the matter into the courts for adjudication. The employers held that the stand of the union on this question was unreasonable, as it occasionally happened that a builder, or a prospective

owner of a building, purchased especially desirable models or castings executed by celebrated foreign artists, with the expectation of using them to decorate some of the apartments in his projected structure in this country. Consequently the union did not possess the right to refuse to handle foreign productions bought under such circumstances.

The employers were opposed to section 1 of the "Rules of work" because it infringed upon their rights. The union desired its retention, however, as it would insure the employment on buildings of men who had a complete knowledge of the trade, and it tended to prevent the hiring on that class of work of such shop hands as were only proficient in mixing plaster and pouring it into moulds. Rule 6, demanding time allowance while going to work on any floor above the twelfth story of a building without elevator service, was objected to by the employers, as it did not name the amount of time required by the men to make such journey. The society claimed that this provision was enacted because the journeymen who worked above the twelfth floor were obliged by foremen to report for duty promptly at 8 o'clock a. m., the usual hour for the commencement of work. This was frequently a physical impossibility. Instances were cited where men who had arrived at the first floor of a "skyscraper" before 8 o'clock were unable to reach the upper stories within a half hour from the time they began the ascent, owing to the crowded condition of the stairways and ladders. Relative to rule 10 of the same article the employees regarded that under it they would be put to a disadvantage in the event of their desire to accommodate an owner who found it necessary to have a special piece of work done within a brief period. The union's position was that the men should be given ample opportunity to prepare to go from one job to another at noon; that they should be allowed to partake of the midday meal and they should also be given sufficient time to travel to the new job.

The rules affecting "country work" were a source of considerable contention, the employers maintaining that city hours and wages should not prevail on contracts secured by them outside of the metropolis. They also objected to paying the board

Bills of men who were assigned to work in out-of-town places, and particularly so where such jobs were of a long duration. The union believed that its members were entitled to city conditions as to working time and wages while they were engaged at work in the country. The workmen likewise thought it was only fair that the employers should provide for the payment of board, inasmuch as during their absence they had to pay rent and meet the living expenses of their households in the city in the same manner as they did while at home.

In the hope that stringent measures would influence the workmen's society to modify its rules to conform to the employers' ideas the Employing Plasterers' Association, at a meeting held on October 18th, adopted the following preamble and resolution:

"Whereas, The present unnatural condition of affairs existing in the plastering trade, brought about by a constitution passed lately by the Operative Plasterers' Society, and

"Whereas, The interpretation of such constitution being in a state of chaos, producing never-ending strife, therefore, be it

"Resolved, That, on and after Tuesday, October 21st, the wages and rules prevailing prior to April 1, 1902, shall go into effect, until an agreement, satisfactory to both the Employing Plasterers' Association and the Operative Plasterers' Society, be signed by both of the parties.

"It has been further resolved that a copy of these resolutions be sent to the Operative Plasterers' Society, Tuesday, October 21st."

The Operative Plasterers' Society, upon receipt of the foregoing ultimatum, refused to accept the terms laid down by the employers, and on October 22d all the work of plastering controlled by the members of the latter's association was shut down, which action directly involved 1,800 plasterers, the majority of whom were attached to Local No. 25. Some were connected with another subordinate union in Manhattan Borough, known as Local No. 216, while others were members of the Bronx Borough branch, No. 43. In addition to these some 800 plasterers' laborers were affected by the lockout. Ere long negotiations were in progress looking to a settlement of the dispute, the employers having announced that an adjustment could not be reached except by arbitration, and they stated that "negotiations tending toward the peaceful settlement of these vexing questions by such method will be gladly welcomed."

Though the journeymen plasterers' organization viewed with favor the suggestion to submit the questions in dispute to arbi-

tration, it gave notice that it could not consistently enter into the plan unless the employers withdraw their ultimatum to decrease the daily wage rate from \$5 to \$4.50. This proposition was agreeable to the latter, and on November 4th the union decided to refer the matter to a joint committee, consisting of eight union members (six from Local No. 25 and one each from Locals Nos. 43 and 216) and eight members of the Employing Plasterers' Association. Provision was made that in the event of the failure of the board to come to a mutual understanding an umpire was to be selected to settle the differences, his findings to be binding upon both parties. Peace having been restored, business in the trade was resumed within a few days, and the Committee of Sixteen began its consideration of the various points that had caused the conflict. Its labors were completed on December 11th, on which date an agreement was perfected and signed by the representatives of the two associations. It is pleasing to relate that during the five weeks that the joint board was in session it was not found necessary to call in an umpire, all questions being amicably adjusted by the committeemen themselves.

A brief statement concerning the disposition of the several disputed questions that led to the lockout is presented in the succeeding paragraphs:

Regarding section 9, under "Character of work," it was agreed that where an employer obtains a contract for the entire plastering of a building he is at liberty to sub-let either the plain or ornamental work, but a contractor who is awarded the reserved or special parts is restrained from sub-letting either the plain or decorative portion, he being required to complete the whole of that especial section of the job.

A foreman cannot be suspended or taken from any job until his case has been passed upon by an arbitration committee, consisting of five men from each association. The employers are pledged to hire none but members of the Operative Plasterers' Society, and strikes are permissible against non-unionists and delinquent members of the union. The clause relating to the examination of plans and specifications by the delegates was waived, and in lieu of it one was inserted which provides that "all material used must be the best of its several kinds." To

prevent rushing by foremen there is a stipulation that "all work must be done in a thorough, workmanlike manner."

The five sections, under "Scale of work," relating to the amount of labor to be performed by each man, remain intact.

Under "Rules of work" no alteration was made in the first section, providing that plain plastering in buildings shall be executed by non-shop hands, except in cases where shop plasterers are proficient in all branches of the trade. Time allowance of ten minutes is to be accorded to workmen who may be employed above the twelfth story of a building without elevator service. Suitable time is to be granted to members going from one job to another during the noon hour.

City hours and wages are to prevail on country work, and on out-of-town jobs lasting less than two weeks the men are to be allowed expenses for board.

The clause relative to the handling of imported models or castings was not included in the agreement.

During the deliberations of the Joint Arbitration Committee the employers' representatives agreed that all members of their association would raise the rate of pay to \$5.50 per day on July 1, 1903.

Following is the full text of the agreement:

ARTICLE I.

WAGES AND HOURS.

Section 1. The daily wages to be \$5 until July 1, 1903; on and after July 1, 1903, daily wages to be \$5.50.

Eight hours shall constitute a day's work; commencing at 8 A. M. until 12 M., and from 1 P. M. to 5 P. M. for first five days; Saturday from 8 A. M. until 12 M. Under no circumstances can any work be done between the hours of 7 and 8 A. M. and 12 M. and 6 P. M. on Saturday—also New Year's Day, Washington's Birthday, Decoration Day, July 4th, Labor Day, Election Day, Thanksgiving Day and Christmas Day.

This section shall not conflict with section 5.

§ 2. When any of the aforesaid holidays fall on a Sunday, the following day will be observed as a holiday.

§ 3. No subbing or part payment of wages shall be permissible. Any member found doing so will be treated as working under wages. All members to receive their wages in legal tender.

§ 4. All overtime to be reckoned as double time.

§ 5. When repairs or alterations are necessary in rooms, halls or shafts of office buildings, if it is found impracticable to complete said repairs or alterations within the prescribed working hours and without causing

inconvenience to tenants in said office or building, under such circumstances it shall be permissible to work on holidays. This is agreed to in order that tenants shall not be deprived of the use of their office or other parts of building that they are entitled to.

§ 6. Work done on Sunday and on holidays shall be considered as overtime and paid as such.

ARTICLE II.

APPRENTICES.

All apprentices taken to learn plastering shall be in conformity with the rules of the O. P. S. governing the conditions. Subject to the approval of the Arbitration Committee, present conditions shall not be curtailed.

ARTICLE III.

SCALE OF WORK.

Section 1. In tenement houses where there are ten rooms and a lobby or hallway to each floor or flat, the time for scratch coating rooms and hallway on said flat or floor shall be two days, or one day each for two men.

§ 2. The time for browning in said tenement houses for ten rooms and hallway shall be six days, or three days each for two men.

§ 3. In browning where there are extra rooms or extra closets, there shall be extra proportionate time allowed.

§ 4. The time for hard finishing ten rooms and hallways in tenement houses shall be six days, or three days each for two men.

§ 5. For cornicing and finishing tops of rooms in tenement houses, the time for each room, with four angle and two break mitres, done with a common mould, about seven inches projection, shall be one day, or one-half day each for two men. Where there is a square panel the time shall be one and one-half days, or three-quarters of a day each for two men.

§ 6. If the moulds are extra large, or extra members or quarter circles in panels, or extra panels on the ceiling, there must be extra proportionate time allowed.

§ 7. In the larger tenement houses, called apartment houses, where there are large front and back rooms of about 13 x 16 feet, and the common cornice mould is about ten inches in projection, the time for cornicing such a room, with four angle and two break mitres in it, shall be three-quarters of a day each for two men, and when there is a square panel in each room the time shall be one day each for two men.

§ 8. In small rooms, where there are only four mitres where a common mould of six or seven inches is used, two men shall cornice three and finish ceilings and tops of walls of said rooms in one day.

Coving in above class of buildings to come under the head of cornicing.

§ 9. In private houses, known as speculation and such like, all cornicing and paneling shall be governed by the rules of large and small rooms in apartment houses, and if the parlors in said private houses are larger than the ordinary 13x16 foot parlors of apartment houses, or the moulds larger or more difficult to work, or more paneling on the ceiling, there must be extra proportionate time allowed.

ARTICLE IV.

CHARACTER OF WORK.

Section 1. All plastering on lath shall be known as three-coat work, scratch coat, brown coat and hard finish. All scratch coats to be thoroughly dried before being browned. On fireproof or brick it shall be two coats, brown coat and hard finish. All plaster plates to be browned with gauged mortar or patent material and finished.

§ 2. When patent cement is used for scratch coat it must be on eight hours before brown coat is put on.

§ 3. It shall be permissible to lay off work on alteration and repair jobs when not calling for more than half the alterations. When laid-off work is permissible, it shall be done with gauged mortar or patent plaster.

§ 4. All work must be done in a thorough, workmanlike manner. All employers shall furnish screed rods, darbies, cornice rods, feather edges and all facilities necessary. And on all jobs where scaffolds are erected in rooms, all mortar boards, when it is feasible, shall be put on scaffolds. In no case shall moulding or coves be run, unless by a regular mould and run on rods.

Members of the O. P. S. when browning shall have the right of raising the mortar board to the height of ten inches from scaffold.

§ 5. All material must be the best of its several kinds.

§ 6. All columns, before being browned, shall have rings of the proper dimensions.

§ 7. In permanently established or occupied dwellings a changed character of decoration shall be permissible of completion as desired.

§ 8. When any portion of a building is reserved for any character of ornamental decoration, it shall be permissible to submit estimates for same. Said estimates for the said reserved portion must include all parts of plastering, plain and decorative mouldings to be run in place, and it shall be done by the contractor for the same.

When any member of the E. P. A. obtains a contract for the entire plastering of a new building or buildings he shall have the right to sublet the plain plastering, except the said plain plastering contained in the reserved and special parts, which said reserved and special parts shall be completed by the contractor for the same.

§ 9. It shall be permissible for the employing plain plasterer to sublet all ornamental work in his general contract.

§ 10. Section 6 shall apply to all plain columns, whether done in cement or other material.

§ 11. Where waterproof paint is substituted for furring the walls covered by said paint shall be scratched and allowed to dry before brown coat is applied or gauged.

§ 12. In preparing for tile, the best material shall be used.

§ 13. We agree to work on all scaffolds erected by union labor.

ARTICLE V.

RULES OF WORK.

Section 1. All plain plastering in the buildings shall be executed by non-shopand plasterers. This rule shall not apply to members who are competent in all branches of the trade.

§ 2. All interior and exterior plastering, whether of patent or other material, when done in and by the usual methods of plastering, shall be claimed and done by the members of the O. P. S.

§ 3. All interior cement work above the floor line shall be done by plasterers, members O. P. S.

§ 4. When possible all efforts shall be directed to include the placing of plaster plates and metallic preparations for plastering in the plasterers' specifications.

§ 5. Any employer taking a job and failing to complete the same, the completion of said job shall be referred to the Joint Arbitration Committee for settlement to the best interest of the trade.

§ 6. None but members in good standing in the O. P. S. shall be permitted to work at the trade within the jurisdiction of the above society.

§ 7. Time allowance of ten minutes allowed above the twelfth story when elevator service is not furnished.

§ 8. When strikes are permissible:

First.—For non-payment of wages on pay day.

Second.—Against non or delinquent members.

Third.—These articles of agreement shall not in any way interfere with sympathetic action for other trades.

§ 9. All members shall receive their wages once a week. The week shall end on Friday at 5 P. M. Pay day shall be on the following Saturday from 8 A. M. until 12 M., or any employer may pay Friday up to Friday night, and when his pay day is on Friday it shall remain so permanently until he changes it to Saturday, and no employer will be allowed to pay Friday one week and the following week on Saturday.

§ 10. Any member being discharged and members being laid off at the completion of job shall receive their pay at once.

§ 11. On being laid off members shall receive fifteen minutes notice in order to clean and pack their tools. Suitable time shall be allowed for members going from one job to another in the hour between 12 M. and 1 P. M.

ARTICLE VI.

COUNTRY WORK.

Section 1. On country jobs city hours and wages shall be enforced and city wages paid to and from job; traveling expenses also to be paid.

§ 2. On percentage jobs or jobs lasting less than two weeks, board shall be added to the above.

§ 3. In no case shall a member's employment be contingent on joining an outside local.

§ 4. It shall be permissible for members of the E. P. A. to hire one-half local men at local union rates.

ARTICLE VII.

Section 1. A committee of five men from each Association shall constitute an Arbitration Committee, to whom all grievances shall be referred, and they shall be vested with full power to act. In case of dispute they shall have the power to call in a disinterested party, who shall act as umpire, who must be acceptable to each of them; then lay the grievance

fairly before him. His decision must be binding on both societies. This committee shall be subject to the call of the president or chairman of either society.

§ 2. Charges brought against a member of either association shall be submitted to the Arbitration Committee and settled.

§ 3. The O. P. S. shall not order a strike against the members of the E. P. A., collectively or individually, nor shall any member of the O. P. S. leave the work of a member of the E. P. A. until the matter in dispute is brought before the Arbitration Committee for settlement.

§ 4. No foreman in the employ of a member of the E. P. A. shall be suspended or taken from any job of a member of the E. P. A. until his case has been submitted to the Arbitration Committee and their decision rendered.

§ 5. No member of the O. P. S. shall work for any employer who does not comply with these Articles of Agreement, entered into between the Employing Plasterers' Association and the Operative Plasterers' Society of the City of New York, nor shall any member of the E. P. A. employ any person who is not in good standing in the O. P. S. of the City of New York.

§ 6. Should a member of the E. P. A. do work for any corporation, owner, builder, speculator or others, by contract or day's work, and not be paid in full, the claim shall be referred to the Joint Arbitration Committee for investigation and adjustment.

ARTICLE VIII.

Section 1. Any employer doing work for an architect, owner, builder, contractor or decorator who is living in the jurisdiction of Locals 25, 43 and 216 shall comply with this agreement.

§ 2. Where an employer refuses to sign the agreement entered into between the O. P. S. and the E. P. A., the E. P. A. will assist the O. P. S. in every manner possible to compel such employers to sign said agreement.

ARTICLE IX.

Section 1. All panel ceilings and walls of an intricate design shall be done in the most practical manner and shall be placed on a finished plaster surface. Mouldings of 3½ inches in width or less, if enriched, allowed to be stuck on a finished plaster surface.

§ 2. Should any article contained in this agreement conflict with the general interest of the trade, supplementary articles shall be substituted to meet the requirements of the conditions not provided for.

§ 3. Three months before the expiration of the agreement a committee shall be appointed by both parties to this agreement to confer as to the advisability of renewing or revising this agreement.

New York City Piano and Organ Workers.

In July, 1901, the Piano and Organ Workers' International Union of America selected the fall of 1902 as a propitious time to seek the nine-hour working day for the members of its

branches in Greater New York. Meanwhile the matter was discussed by the various local unions in that city, and it was finally decided to demand a reduction of the daily labor hours from ten to nine and an increase of wages, besides time-and-a-half for overtime employment and double price for work performed on Sundays and holidays. It was also determined to make an effort to bring about the abolition of the contract system in the trade. The joint executive board of the various subordinate organizations was charged with the task of embodying these propositions in a circular and submitting them to the manufacturers of pianos and organs. This was done on the 17th of last September, and the date set for the new rules to go into effect was the 22d of that month. Upon receipt of the circular letter the New York Piano Manufacturers' Association, comprising some of the best known establishments, held a meeting and agreed to concede the nine-hour day. At the same time it was resolved not to accede to the unions' demand to pay the workmen time-and-a-half for overtime and double price for Sundays and holidays. As to wage increases the association expressed a willingness to let each firm or corporation take up the question and consider it at a conference with its own employees. Regarding the abolition of the contract system in such shops as employed it, the association denied "the right of the men to dictate the system upon which work shall be done, and the demand on that point is refused."

While a number of concerns immediately accepted the conditions proposed by the unions, strikes, involving 550 piano-makers, occurred in some of the factories on September 22d because of non-compliance with the men's terms. In several of these latter shops the workers were out for a few days, and in others a week or more elapsed before a satisfactory understanding was reached, while in one large establishment a settlement was not effected until October 20th. Altogether the demands were granted by sixty-five concerns, employing 6,505 persons, and only two firms declined to accept the proposals of the unions.

New York City Silversmiths.

On November 3d the silversmiths, chasers and finishers of New York city inaugurated a general strike to enforce a

demand for reduction of hours from ten to nine per day with eight hours on Saturday. About 1,000 men and 75 girls went out in this the first strike in the trade in sixteen years, and a score or more of firms were involved. The strikers, who were unorganized, appointed an executive committee of 18, which had full charge of all matters in connection with the dispute.

Six firms promptly yielded to the demand and their employees returned to work on the 4th. The other employers declined to make concessions. On November 10th Mr. Bernard Stark, State Mediator of Industrial Disputes, met the employees' executive committee and discussed the situation with them, attending afterwards a general meeting of the strikers. At this meeting the committee reported that several firms, including the Whiting Manufacturing Company, had offered to grant the nine-hour day on condition that nine hours should be the working time for Saturday as well as other days. It was voted to accept this proposition and work was resumed by the employees of these firms on November 11th. In the other establishments, the two largest being Messrs. Tiffany & Co., whose factory is at Forest Hill, New Jersey, and Dominick & Haff, the strike was prolonged until December 3d, when it was declared off at a meeting of the strikers by vote of 68 to 54. This action was taken in view of the prospect of a long continued struggle if maintained, combined with the pressure of want felt by many as the result of the stoppage of their income with no benefit fund for their relief. About 450 of the strikers returned thus to the ten-hour day, while about 600 had gained a 53 or 54 hour week.

Elmira Bricklayers' Agreement.

Agreement between the Mason Builders' Association and the Bricklayers', Plasterers' and Stone Masons' Union No. 23, of Elmira, N. Y., from May 1, 1902, to May 1, 1903.

It is hereby agreed by the Mason Builders' Association and the Bricklayers', Plasterers' and Stone Masons' Union No. 23, of Elmira, N. Y., members of the International Union:

Section 1. That the wages of members of Union No. 23, of Elmira, N. Y., shall be forty (40) cents per hour, 8 hours to constitute a day's work. Working hours to be from 8 a. m. until 5 p. m.

§ 2. This union shall not order any strike against the contractors of Elmira, N. Y., nor shall any member of the union leave the work of any

contractor before the matter in dispute is brought before a joint arbitration committee for settlement, providing the same is settled within 24 hours.

§ 3. The steward on the job, or the deputy in this union, shall not be discharged for inquiring after the cards of men working on the job of any mason builder. Nor shall the deputy be interfered with when ordered upon the job by this union temporarily, but must not hinder the men from work unnecessarily.

§ 4. Except in case of extreme necessity, no work shall be done between the hours of 5 p. m. and 8 a. m., and all overtime shall be time and one-half, or sixty (60) cents per hour. Overtime means nights, Sundays, Fourth of July, Labor Day and Christmas.

§ 5. When a member works for agents, owners or others than general mason contractors, they shall charge forty-seven (47) cents per hour, and the regular percentage for material and labor, the work to be done by the member himself only.

§ 6. The members of Union No. 23 shall be paid every week, or every other week, on the job, on or before 5 p. m.

§ 7. There shall be an arbitration committee elected each year by the Mason Builders and the Bricklayers', Plasterers' and Stone Masons' Union No. 23, of Elmira, N. Y., consisting of five members of each organization, who shall have the power to settle all differences arising between the two organizations.

§ 8. The arbitration committee shall meet at the call of the chair on either side.

§ 9. None but members of the International Union shall be allowed to do any mason work of any kind.

§ 10. That the members of this union further bind themselves to at all times pay strict attention to contemplated builders by using every means and influence, through committee or otherwise, to prevail upon such parties to recognize none but union contractors.

§ 11. That each contractor be allowed one apprentice every two years.

§ 12. All trimming and setting of terra cotta on the job shall be considered bricklayer's or mason's work.

§ 13. All finishing of the top coat of cement floors in buildings shall be done by members of the International Union.

Committee—B. L. Gregory, Patrick Murray, Louis E. Rook, Thomas Connelly, Frank Lashear, Elsworth H. Butters, N. H. Cooper, Lawrence Hurley.

Approved by the executive board May 12th.

WM. DOBSON,
Secretary B. & M. I. U.

DECISIONS OF NEW YORK COURTS.

Rights of Members of Labor Unions.

The recent decision of the Court of Appeals affirming the right of members of a labor organization to strike against the employment of a non-member (National Protective Association v. Cummings, 170 N. Y., 315, reported in the June BULLETIN, page 133), has brought into the courts numerous suits of workmen against unions from which they had been expelled and consequently deprived of opportunities for employment. The case that has attracted the most general attention is that of William Potter, the National Guardsman expelled from a painters' union of Schenectady and consequently deprived of employment at his trade. On December 4, Justice Howard, in the Supreme Court at Albany, granted a temporary injunction restraining the union from treating Potter as not a member of the union until his rights have been determined by the courts.

Potter's complaint, which is a long document, quotes clauses from the union's constitution, to the effect that any member against whom charges have been preferred shall have a trial, being furnished with a copy of the charges. The complaint states that Potter has been refused a copy of the accusation, and that he never had a trial before the union, hence the expulsion is null and void. On this ground, and on the ground that the disqualifying of militiamen, special police officers or deputy sheriffs is in contravention of public policy, the injunction was applied for.

The complaint states, further, that this clause was not in the union constitution when Potter joined the union or the National Guard, but was inserted in a revision made in December, 1901, and that he never saw a copy of the revised constitution, nor was he aware that he had violated any of the rules of the painters' union. Included in the complaint is a letter written by Potter to every master painter in Schenectady, asking employment and requesting that if work could not be given him the reason be stated. All the master painters replied, refusing him work and stating that they could not employ non-union men.

Potter asks damages to the amount of \$2 a day since his discharge by his employers, that being the result of his expulsion from the union, and also to the amount of \$500 for other damages.

On November 11, 1902, the Court of Appeals rendered a unanimous decision affirming the judgment of the Appellate Division in favor of James McGuire, who had obtained a verdict of \$108 against William J. Corey, president of the Bricklayers' International Union, Local No. 21, of Staten Island, as damages sustained through loss of employment following the union's refusal to permit its members to work with the plaintiff. The court delivered no opinion, and the following particulars are derived from press reports.

On May 30, 1899, McGuire was fined \$25, after having been found guilty of certain offences against the union in question. Three months were given him to pay the fine. On November 20, 1899, more than two months after the time for the payment of the fine had expired, he tendered the fine, which was not accepted. Pursuant to its by-laws, the union could only suspend until payment of fine. McGuire procured a mandamus compelling the union to accept the fine and restore him to active membership. The mandamus was sustained by the Second Department of the Appellate Division, and then McGuire sued to recover damages for loss of employment between the date when the fine was tendered and refused and January 9, 1900, when the order allowing a mandamus was affirmed by the Appellate Division. The defendant offered no evidence and the jury gave McGuire a verdict of \$108. A new trial was denied the defendant, and the Appellate Division again unanimously affirmed the action of the lower court. The defendant then appealed to the Court of Appeals, with the result mentioned above. (170 N. Y., Memoranda 43.)

A third case involving the legal relations between a labor union and its members was decided by Justice Wilmot M. Smith in the Supreme Court at Brooklyn June 2, 1902. Charles M.

Winants and twenty others, who had been expelled from the Manhattan Ship Joiners' Association for having set at defiance the union's order to strike, applied to the court for a mandamus to compel the union to reinstate them. The court held that their expulsion was lawful and dismissed the complaint. The circumstances are narrated in the following opinion of Justice Smith, as published in a press report:

"On March 17, 1901, the defendant, which is a labor organization, withdrew from affiliation with the Knights of Labor, and thereupon those portions of its by-laws, applicable to such application, became inoperative. The by-laws were subsequently revised and went into effect on December 13, 1901, so that at the time the plaintiff was expelled, there were no by-laws in existence regulating and controlling the defendant on the subject of striking or on the method of conducting the trial of any of its members on charges which might properly be made against them. My conclusion is that the defendant, in the absence of any express restriction in its by-laws, was free to take any such action as it chose in entering on a strike, not inconsistent with the purpose of its organization, or not in any way unlawful; and that it might try and expel a member for good cause, if such member had notice of the charges made against him served upon him and a reasonable opportunity to be heard in his defense.

"On April 12, 1901, at a regular meeting of the association, delegates were elected to the Metal Trades Board, and a resolution passed, giving such delegates authority to act in conjunction with delegates from the trades affiliated with said Metal Trades' Board. The delegates were not authorized in express terms to order a strike for any reason.

"On September 6, 1901, the delegates from the association, in connection with the other delegates to said Metal Trades' Board, ordered a strike of the employees of the John M. Robbins shipyard, for the purpose of compelling the manager of such shipyard to employ only members of the association and affiliated trades represented in the Metal Trades' Board. The association did not expressly authorize the strike, but the members thereof, including the plaintiff, obeyed the order to strike, and at a meeting of the association, held on September 13, 1901, the action of the delegates and the strike were in effect ratified by the association.

"The object of the strike was not unlawful, as has recently been decided by the Court of Appeals, in the case of the National Protective Association vs. Cumming, 170, N. Y., 315, and the plaintiff, if he desired to remain in good standing in the association, was obliged to conform to its action. He chose to disregard the action of the association, and went back to work with some of his fellow members. Thereupon the members of the association made a charge against him of conduct unbecoming a member of the association, and a copy of those charges was served upon him, with a notice to appear for trial. He declined to appear before the committee; and, after taking evidence, such proceedings were had that the plaintiff was expelled from the association.

"It seems to me that it was the duty of the plaintiff, if he desired to remain a member of the association, to obey its lawful resolutions, and that his refusal to obey the order to strike was sufficient ground for his expulsion. I think he had sufficient opportunity to defend himself. I cannot well see how the association could maintain its organization unless it punished its members who refused to obey its lawful resolutions. I find it acted in good faith and with due regard to plaintiff's rights, and that its action in expelling the plaintiff was lawful.

"It may be that the plaintiff was misled by the peculiar state of the by-laws, resulting from the withdrawal of the association from the Knights of Labor and the delay in adopting the new by-laws, and honestly believed that the association had no power under the circumstances to order strike. I will therefore direct judgment for the defendant; dismissing the complaint on the merits, without costs."

The appeal of Edward Wunsch from the decision of the Appellate Division, Fourth Department, reversing a judgment in his favor against Typographical Union No. 9, of Buffalo, for damages from loss of employment,* was dismissed by the Court of Appeals. No opinion was delivered. (170 N. Y. 573.)

Breach of Contract to Employ None but Members of a Certain Union.

The question of whether a union may secure an injunction to compel an employer to fulfill a contract to employ its members only was brought up in the case of *The Stone Cleaning and Pointing Union v. Russell*. The defendant Russell had a contract with the union named to employ none but its members on certain kinds of work, but, upon threat of another and larger union to inaugurate a strike on all of his work unless he dispensed with the services of members of the plaintiff union, he dismissed the latter and employed members of the larger union. Later he again employed the former workmen and finally discontinued the work entirely on account of the controversy.

The court declined to allow an injunction, holding that the union in such case has the same remedy at law as a discharged employee, i. e., an action for damages. As to issuing injunctions in such cases, the court found no authorities directly in point, but considered that the opinions most nearly applicable indicated by analogy that injunctions in case of contracts for

*Compare BULLETIN, vol. I, page 59 and III, 145.

personal services may be granted only where a special, unique and extraordinary service, as, for example, in the case of a singer, is to be rendered, and that the question of what is to be included in that category is to be decided generally by an inquiry as to whether a substitute for an employee can readily be obtained and whether such substitute will substantially answer the purpose of the contract, which standard manifestly excluded the members of the union in question. (38 Misc. Rep. 513.)

Picketing, Boycotting, Etc.

The influence of the famous British case of *Allen v. Flood*, upon judicial interpretation of the law of strikes, picketing, etc., in this country has appeared in several recent New York decisions that have assured to workingpeople a somewhat larger liberty of action than in the past. The most recent instance of the tendency is afforded in the opinion handed down by Supreme Court Justice Andrews at Syracuse, October 18, with an injunction against the illegal picketing of a Syracuse store by the agents of a clerks' union. The court while enjoining the union men from obstructing access to the store or travel in its neighborhood, nevertheless recognized the right of the clerks' sympathizers to carry on a peaceful boycott against the firm (*Foster v. Retail Clerks' Protective Association*, 39 Misc. Rep. 48).

The order mentioned was a permanent injunction, following a temporary injunction issued about the 27th of September. As a result of a dispute concerning the hour of closing, the store of Foster, Hinman & Co. had been declared "unfair" by Retail Clerks' Local Union No. 243 and the Syracuse Trades Assembly, who stationed pickets in front of the store to distribute among intending patrons cards announcing the existing antagonism. The permanent injunction, which as already mentioned, was issued October 18th, restraining the defendants* "their servants, agents, coadjutors and assistants from entering upon the premises of the plaintiffs for the purpose of interfering with or interrupting their trade or customers or from in fact, while upon such premises, interrupting or interfering with such trade or

*The defendants were the Retail Clerks' International Protective Association, the Syracuse Trades Assembly and others, but the injunction applies only to Bert Lind and Charles Lavine as being the only ones upon whom the temporary injunction had been served.

customers; from obstructing access to the plaintiffs' store by any physical means; from so acting as to collect crowds in front of or adjacent to said store, which crowds shall obstruct travel upon the street or sidewalks at or in the neighborhood thereof; and finally from the use of threats, violence or intimidation with the intent of preventing travelers upon the highway, or intending customers of the plaintiffs from entering the store of the plaintiffs or trading with them, or whereby such result is attained."

In defining such unlawful picketing the court says "it should be remembered that to constitute intimidation it is not necessary that there should be any direct threat, still less any actual act of violence. It is enough if the mere attitude assumed by the defendants is intimidating. And this may be shown by all the circumstances of the case, by the methods of the defendants, their circulars, their numbers, their devices."

The court continues as follows:

"A most serious and interesting question arises, however, when it is sought to enjoin the defendants from simply picketing the store in question. That is, do they commit any wrong upon the plaintiffs when they combine with others, peaceably, by persuasion only, to induce persons upon the street to refrain from trading with the plaintiffs? It must first be determined whether such an act on the part of an individual is illegal.

* * *

"It would always be a question of fact for the jury whether an act otherwise legal was committed with an evil intent. The step should not be taken unless justified by clear weight of authority, and *I am not willing to hold that a request not to patronize a certain dealer may be legal if made by a person in one state of mind or holding one relation to him and illegal in another.*"

"This decision of this question becomes necessary for the determination of the case at bar, because neither Lavine nor Lind are or were employees of the plaintiffs. Neither are they members of the clerks' union and so personally interested in the lot of the retail clerks. They both belong to the boot and shoe workers' union, and the utmost, apparently, that can be said is that as workingmen they sympathize with the efforts of fellow workmen of a different class and engaged in a different occupation to improve their condition. They have not sufficient interest in the result to justify their act if their act requires justification. Their interest is too remote and too uncertain.

"It becomes a question, therefore, whether or not, apart from the question of motive, picketing is in itself illegal, and upon this question the

*It is the fundamental postulate here italicised in which the present opinion contrasts with much of the judicial interpretation of the law of conspiracy.—Eds.

courts in the various States in this country and the courts in England have widely differed. Some have said that picketing in itself constituted a threat and intimidation, and is therefore unlawful. Others that a man has a right to conduct his business in the way that pleases him best, without obstruction or molestation, and that an attempt by picketing to compel him to agree to this or that demand is an unlawful interference with this right, and therefore should be stopped.

"I do not agree with either of these contentions. There is nothing in a mere request not to deal which implies a threat to do an unlawful injury. Whether it does or does not depends on the circumstances in each case—upon exactly what is said and how it is said.

"Nor is there any legal rule which holds that I may not request my family not to trade with A or B for any reason that seems to me good, however petty and insufficient the reason may seem to others. I have the right to make the same request of a relative or friends, and I have the equal right to make the request of strangers by word of mouth or in writing. Nor is the place where I make the request important. If I make it to one just entering A's store the loss to A is more obvious, though no greater, than if I make it to an intending customer a mile away.

"To quote the statement of Lord Davey, in *Allen vs. Flood*: 'I do not doubt that every one has a right to pursue his trade or employment without molestation or obstruction if these terms are not used to imply some act in itself wrongful. This is only a branch of a much wider proposition, namely, that every one has a right to do any lawful act he pleases without molestation or obstruction. But if it be intended to assert that an act not otherwise wrongful always becomes so if it interferes with another's trade or employment and needs to be excused or justified, I say that such a proposition, in my opinion, has no solid foundation in reason to rest upon.'

"Mere picketing, therefore, assuming that it is peaceful, assuming that there is no threat or intimidation, assuming that it is confined to simple persuasion, I do not regard in any sense as unlawful, whatever may be the motive of the picketers.

"Finally, assuming that picketing by an individual is lawful, does it become unlawful because done as the result of an agreement between two or more?

"Many courts, and courts entitled to the greatest respect, have held that it does. But the reasoning upon which such a conclusion is based seems unsatisfactory. By some it is said that the reason is that the combined acts of several are likely to be more harmful than the act of one. 'A man may encounter the acts of the single person, yet not be fairly matched against several.' But why should this consideration convert a right into a wrong? It may affect the remedy. It may justify, for instance, an injunction to protect against a conspiracy to libel, notwithstanding the rule that a libel by an individual may not be enjoined. It can hardly do more. Others have said that the reason is based upon the maxim, *de minimis non curat lex*—the injury done by one is so small that the law will not regard it. But is that so? Is the injury done by one necessarily, and that is the test, so trivial that it need not be recognized by the courts? Might not a man of great influence conceivably work much more harm than a combination of others less well known?

"The whole theory is, I think, erroneous. A conspiracy is an agreement to do an unlawful act or to do a lawful act by unlawful means. There can be no conspiracy if the act aimed at is lawful and if the means employed also are lawful. Two or more persons may agree to do what each one of them may lawfully do. 'What one may lawfully do singly, two or more may lawfully agree to do jointly. The number who unite to do the act can not change its character from lawful to unlawful. The gist of a private action for the wrongful act of many is not the combination or conspiracy, but the damage done or threatened to the plaintiff by the acts of the defendants. If the act be lawful the combination of many to commit it may aggravate the injury, but can not change the character of the act' (Bohn Mfg. Co. v. Hollis, 54 Minn. 223)."

Cost of Public Work Under the Eight-Hour Law.

In a decision handed down by the Court of Appeals on October 7th, in *People ex rel. North v. Featherstonhaugh* (172 N. Y., 112), appears a dictum of some significance as to the effect of the decision (*People ex rel. Rodgers v. Coler*, 166 N. Y., 1, summarized in BULLETIN No. 8, p. 45), which declared the prevailing rate of wages law unconstitutional upon the constitutionality of the eight-hour law, though the latter question was not directly involved. Certiorari proceedings were brought with a view to having a contract for street paving, entered into by the Public Improvement Commission of Cohoes with the New York and Bermudez Company, declared illegal. Among other things it was claimed that a requirement in the specifications that bidders must observe the provisions of the Labor Law invalidated the contract. The provisions referred to included the eight-hour law, the prevailing rate of wages law, and the alien labor law. The prevailing rate of wages law was declared unconstitutional after the specifications had been drawn, but before the bids were made the commission gave notice to the contractors that it would not enforce any of the provisions of the labor law which had been or might be declared unconstitutional. The superintendent of the company to whom the contract was awarded swore that in their bid no item was included by reason of the specification requiring observance of the labor law, nor was the price set for the work increased in any wise by reason of such provisions.

The Court of Appeals holds unanimously that the contract was in no wise invalidated by the inclusion of the provisions in

question. "The fact," says the decision on this point, "that the commissioners gave notice that they would not attempt to enforce the labor law, which the court had held unconstitutional, and the further fact that the bid made by the company * * * was not increased by reason of the provisions of that law, indicate very clearly that the taxpayers of the city, or the abutting owners upon the street sought to be improved, have suffered nothing by reason of the provisions of the labor law to which attention was called in the specifications. Some of the provisions of the labor law are undoubtedly constitutional and are still in force, and consequently the provisions of the contract to the effect that the contractor will observe those provisions, which may now be in force, furnish no ground for just complaint. * * * The provisions of the statute [the Labor Law] incorporated into the specifications are extraneous matters which have no material effect upon the main provisions of the contract, and cannot affect those provisions unless it may tend to increase the cost of the work. * * * Their [the contractors'] bid was not in fact increased by reason of the Labor Law, as appears from the testimony to which we have alluded."

With the above may be compared the decision on the prevailing rate of wages law, in which one ground of unconstitutionality of the statute was that it increased the cost of work beyond what would be necessary in the ordinary course of business and thereby involved both an expenditure of public funds for the benefit of individuals or classes and the taking of property without due process of law from the owners assessed for improvements. The case of *People ex rel. North v. Featherstonhaugh*, seems to indicate that, in the opinion of the courts, the eight-hour and alien labor laws do not necessarily involve any increase in the cost of work.

Validity of Contract Containing the Unconstitutional Prevailing Rate of Wages Clause.

The Appellate Division, First Department, has just dismissed a taxpayer's suit (*Meyers v. Pennsylvania Steel Company*) to restrain the further execution of a contract between the city of New York and the contractors for the steel and masonry ap-

proaches to the new (Williamsburg) East River bridge, holding that as the contract was made before the Court of Appeals decision against the prevailing-rate-of-wages law, the bridge commissioners acted in good faith in inserting the "labor" clauses in the contract, that the contractor is an innocent party and cannot be deprived of his contract rights. The Court adds that "although the Court of Appeals has held that those invalid provisions of the Labor Law are not binding upon a contractor, there is no allegation in the complaint that the appellant has not fully complied therewith or that it has refused to perform any of the conditions of the contract on the ground of their invalidity."

The Court distinguishes the present case from an earlier one differently decided (*Meyers vs. The City of New York and others*, 58 App. Div. 534, reported in the BULLETIN of June, 1901, at page 142), saying that that action was brought before the work was let, to enjoin the making of the contract.

The Court therefore reverses the interlocutory judgment of the Supreme Court, rendered last March, and dismisses the complaint, in the following conclusion:

"The contract remains in full force and the appellant is proceeding in good faith with the performance of this work thereunder and is entitled to receive the compensation therein agreed to be paid in accordance with its terms even though the provisions of the Labor Law are void and might have been omitted (*People ex rel. Rodgers vs. Coler*, 56 App. Div. 98; 166 N. Y. 1; *People ex rel. Treat vs. Coler*, 166 N. Y. 144; *Calhoun vs. Millard*, 121 N. Y. 629)."

Employees of Public Authorities.

A decision by the Court of Appeals in July, two by the Appellate Division in the First Department in November and three cases before the Supreme Court in New York City in July and September concerned the rights of municipal employees. In *The People ex rel. Waddy v. Partridge* the Court of Appeals decides that the provision of the city charter of Brooklyn (L. 1888, ch. 583, tit. 11, § 42) authorizing the granting of pensions to widows of members of the police force does not apply to the case of a widow whose husband had been retired from the force on a pension before that law was passed. In the case

in point a member of the force, George Waddy, had been retired in 1882 after twenty years of service, and died in the same year. At that time there was no law authorizing pensions to widows of members of the force. After the act of 1888 was passed Waddy's widow applied for a pension, which was paid until discontinued recently by the police commissioner of New York City as the successor of the Brooklyn commissioner of police and excise. Upon its discontinuance the widow applied to the Supreme Court for peremptory mandamus requiring the payment of the pension, citing a clause of the charter of 1888 specifying that the police commissioner "may in his discretion order any pensions granted, or any part thereof, to cease except to members of the police force and attaches retired after twenty years' service." The order was granted by the Supreme Court and affirmed by the Appellate Division (74 App. Div. 620), but the Court of Appeals has unanimously reversed the order on the ground that the law of 1888 was not retroactive and does not apply to retired members who died prior to its enactment, and that if the charter could be so construed as to apply to Waddy's case it would be unconstitutional as an appropriation of public moneys to private purposes. (172 N. Y. 305.)

A final decision by the Appellate Division and two of the cases in the Supreme Court in New York City bear upon the tenure of office of civil service employees. In the *Matter of Leach v. Woodbury* (75 App. Div. 503) the Appellate Division unanimously affirmed an order denying a writ of mandamus to a street sweeper in New York who had been detailed to duty as assistant section foreman and afterward reduced to the position of sweeper, and who sought the writ to compel his reinstatement as assistant foreman. The complainant, who was a regular member of the uniformed force of sweepers at \$720 per year, had been examined by the civil service board as an applicant for the position of assistant section foreman and had been placed upon the eligible list. Later he was assigned for duty as assistant foreman at \$17.26 per week for about a year. Then in company with over 80 others similarly situated he was reduced to his former position, the commissioner of the department having ascertained that there were more assistant fore-

men than the work required. Leach, the complainant, thereupon refused to work as sweeper, and, having absented himself from duty for more than five consecutive days, was dismissed; whereupon he sought to regain his assistant foremanship by appeal to the court. His application was denied by the Supreme Court, and this judgment has been unanimously affirmed by the Appellate Division on the ground that his detail as assistant foreman was not an appointment to a distinct position but simply an assignment as sweeper to special duty, because the charter (section 536) distinguishes but three permanent grades on the uniformed force, viz., the superintendent, foremen and sweepers, and provides especially that assignments to duty are to be at the discretion of the commissioner. The court adds that Leach's absence from duty as a sweeper for more than five days was sufficient under the rules of the department to justify his dismissal.

The two Supreme Court cases involving the civil service law were *Wanzor v. Sturgis* (38 Misc., 433) and *Matter of Seide* (38 Misc., 663). In the former a veteran volunteer fireman, who had been employed as "contract clerk" and at other general clerical work in the office of the fire commissioner, was discharged on the ground that the position which he held had been abolished. The discharged clerk applied to the court for a peremptory writ of mandamus directing his reinstatement on the ground that other persons not veterans or honorably discharged firemen were retained in the department and were doing the same work or work similar to that which he had been doing. The opposing affidavit did not deny that other persons not veterans or discharged firemen were doing general clerical work in the department. This the court held would justify the issue of the desired writ, as the mere fact that the relator had work to perform which led to his receiving a particular designation did not show that he was not a regular clerk, and it seemed quite plain that he was called a contract clerk simply for convenience of designation. Inasmuch, however, as the opposing affidavit had left the issues in a somewhat confused state by a broad denial of sufficient knowledge as to the allegation, the court held that it would be better for a jury to determine the truth of the relator's allegations, which would decide whether

he was simply discharged or his position was actually abolished, and granted an alternative writ. In the Seide case a messenger in the department of parks was dismissed, as in the above case, on the ground that his position had been abolished (*Matter of Seide*, 38 Misc., 663). The motion for a reinstating mandamus was in this instance denied for the reason that the affidavit of the park commissioner, whose knowledge of the facts must be credited despite their being disputed by the relator, showed that the position had been abolished in good faith and to effect economies and that no new appointment as messenger had been made and no one else had been assigned to perform services similar to those formerly performed by Seide. The claim of the latter that section 1543 of the city charter required that he should have had notice of his intended removal with reasons, and an opportunity to defend himself, was dismissed on the ground that the courts have decided (especially in 149 N. Y. 225) that the right of hearing before discharge does not apply when a position is abolished for purposes of economy.

The remaining cases referred to above were actions brought by employees of the New York street cleaning department to recover compensation for time lost by reason of reduction in working time to keep expenses of the department within the appropriation therefor as required by the city charter (L. 1897, ch. 378, § 536). In one (*Driscoll v. City of New York*, 38 Misc., 453) a test case was made of a mason employed at four dollars per day who, with others, had been put on half time, later laid off entirely for a month and subsequently restored to half time and then to full time. The contention was that the plaintiff as a member of the uniformed force and holding a position created by law was entitled to pay so long as he held himself subject to the orders of the department, was ready and willing to perform his duties and had not been discharged. But the court dismissed the complaint, holding that the assumption that members of the uniformed force have a right to continuous employment is erroneous. Two classes of positions are to be distinguished, those with salary affixed as an incident to the office and places filled by employees, the tenure of the former to whose service the rules and regulations of the civil service law are applicable being of a permanent character, while that of all

other employees is regulated by the terms of hiring. The members of the uniformed force belong to the latter class, being appointed by the commissioner with no term of service stated and both the salary and term of employment are to be fixed by the commissioner, which may be changed at each hiring as the price of labor or the exigencies of the department may require. In the other case (*Downs v. City of New York*, 75 App. Div. 423) the plaintiff was a street sweeper employed at an annual salary which had been fixed by the board of estimate and apportionment at \$720 per year. In 1900 that board failed, however, to appropriate a sum sufficient to pay that salary to all the sweepers then employed. In order to keep expenses within the sum provided the plan was adopted of retaining all the sweepers in Brooklyn Borough but reducing their salaries by having them agree to take one day's leave of absence each week without pay. Downs subsequently sued for his salary for those days, and the Supreme Court granted his motion for the direction of a verdict in his favor on the ground that the commissioner of street cleaning had no authority to make such an arrangement. Justification for it was claimed under a provision of section 537 of the charter permitting members of the force to take not exceeding 20 days' leave of absence in a year provided they should waive not less than one-half their salary during the absence. But the Supreme Court held that there was no leave of absence requested or granted in good faith, as the men were given to understand that unless they agreed to the plan some of them must be discharged, and they acquiesced for fear of being dismissed. The only legal course open to either party under the circumstances, according to the court, was a reduction of the number of employees. The Appellate Division, however, unanimously reversed the judgment, holding that the arrangement was purely voluntary and in no sense compulsory and made under circumstances conclusively showing that the complainant fully understood the necessity that required the arrangement to be made. The Appellate Division also declares, as was held by the Supreme Court in *Driscoll v. City of New York*, that a member of the uniformed force is not entitled to salary as an incident to his office but that his legal status is that

of a laborer rather than an official. An arrangement for less than \$720 per year was legal, therefore, and the arrangement in question having been voluntarily made was permissible under section 537 of the charter relating to leave of absence.

Employers' Liability.

[NOTE.—No attempt is made to record under this heading *all* the decisions reported as to the liability of employers for negligence which results in injuries to employees; the cases of negligence reported include the following: (1) All decisions of courts of record which involve interpretation of the Labor Law, (2) all decisions of the Court of Appeals, (3) final decisions of the Appellate Divisions of the Supreme Court, and (4) such other decisions as may seem of interest by reason of peculiar circumstances.]

ASSUMPTION OF RISK UNDER THE FACTORY ACT—CONTRIBUTORY NEGLIGENCE.—The Appellate Division in the Fourth Department in July unanimously affirmed judgment of the lower court granting a nonsuit in *Mull v. Curtice Brothers Co.* As in the case of *Knisley v. Pratt* (148 N. Y. 372) and *Burns v. Nichols Chemical Co.* (65 App Div. 424; summarized in BULLETIN No. 12, p. 50), so here it is held that an employee may assume the obvious risks of an employment as well under the Factory Act as otherwise. The facts and decision are summarized in the official report substantially as follows:

The plaintiff was employed in the defendant's canning factory and it was a part of her duty every afternoon to take apart and clean a meat cutting machine which was fitted with a tight and a loose pulley and operated by a belt which could be moved from one pulley to the other by means of a belt shifter. On the day of the accident the plaintiff commenced cleaning the machine with the belt on the loose pulley; after she had taken it apart and cleaned it, she attempted to readjust the parts, and while she had her hand in the hopper for this purpose the machine suddenly started and cut off her fingers.

The evidence warranted a finding that the cause of the starting of the machine was the shifting of the belt from the loose to the tight pulley, and that such shifting was due to the defective condition of the belt which had existed for some time. The plaintiff testified that for at least three months prior to the accident the belt shifter had failed to hold the belt in position, and that about four weeks before she had called the foreman's attention to the matter and he had directed her to have the machinist repair it, but that the latter after examination had said he had no time to fix it then but would do so when he could find the time. It further appeared that it was no part of the plaintiff's duty to reassemble the machine after cleaning it, and the person whose duty it was testified that he never put his hand in the hopper while readjusting the machine.

It was held that the plaintiff was properly nonsuited for the reasons, (1) that, in view of her knowledge of the defective condition of the belting, it must be held that the plaintiff assumed whatever risk attended the operation of the machine, and that the provisions of the Factory Act (L. 1897, ch. 415, §81, as am'd by L. 1899, ch. 192) did not operate to relieve her from the consequences of her voluntary act; and (2) that it appeared that the plaintiff's injury was attributable in part, at least, to her engaging in work not within the line of her duty and to her own negligence (74 App. Div. 561).

NEGLIGENCE OF CO-EMPLOYEE.—To move an iron plate a foreman placed an old broom handle under it and directed three employees to carry it by taking hold one at each end of the handle and the third at the end of the plate. They had proceeded but a short distance when the broom handle broke and the plate fell to the floor, injuring the man at the end. The latter brought an action for damages on the ground of negligence by the employer in failing to supply a safe appliance with which to move the plate and secured a verdict on the trial. But the Appellate Division of the Supreme Court reversed the judgment and ordered a new trial, holding that as there were plenty of sticks about the place with which the plate could have been safely carried, and as the work was of the simplest character and attended with no hidden danger and as the plaintiff was as competent as the foreman to judge of the safety of the method of carrying adopted and the strength of the stick used there could be no question of negligence by the defendant who had not furnished the broom handle for carrying the bedplate or for work of that character. The negligence, if any, the court held, was that of a co-employee, for which the defendant was not liable, and the fact that it was the foreman who selected an unsafe implement was of no significance inasmuch as whether "an act or omission . . . is that with which the master is chargeable is dependent upon the nature of the act and not upon the grade in the service of the person whose act or default may come in question between the master and an employee." (Flet v. Hunter Arms Co., 74 App. Div. 572.)

APPENDIX.

STATISTICAL TABLES FOR THREE MONTHS, JULY, AUGUST AND SEPTEMBER, 1902.

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TABLE I.—EMPLOYMENT AND IDLENESS:

[July, August.

INDUSTRIES OR GROUPS OF TRADES.	Sex.	MEMBERS WHO WORKED—				Total number reporting.	Average number of days worked.
		1-29 days.	30-59 days.	60-79 days.	80 days or more.		
1. Building, Etc.....	M	538	10,039	49,015	1,613	61,205	68
Stone working.....	M	80	415	4,236	250	4,981	73
Building and paving trades.....	M	457	9,046	36,371	931	46,705	66
Building and street labor.....	M	1	578	8,508	432	9,519	71
2. Clothing and Textiles.....	M	341	12,590	16,988	360	30,279	61
Garments.....	F	299	3,596	2,537	150	5,503	68
.....	M	.....	11,949	11,668	360	24,276	58
.....	F	.....	2,096	1,752	120	3,968	68
Hats, caps and furs.....	M	.....	100	2,719	.....	2,819	74
.....	F	.....	.....	63	.....	63	61
Boots, shoes, gloves.....	M	7	131	2,081	.....	2,219	74
.....	F	.....	.....	182	.....	182	76
Shirts, waists and laundry.....	M	35	310	520	.....	865	66
.....	F	.....	600	600	.....	1,100	55
Textiles.....	M	.....	100	.....	.....	100	53
3. Metals, Machinery, Etc.....	M	255	1,788	18,873	3,586	24,502	76
Iron and steel.....	M	22	1,070	9,358	145	10,595	74
Other metals.....	M	195	47	2,962	1	3,205	72
Engineers and firemen.....	M	.....	252	5,443	3,440	9,134	82
Shipbuilding.....	M	38	419	1,111	.....	1,568	62
4. Transportation.....	M	93	3,020	4,027	2,596	10,036	66
.....	F	.....	.....	.....	3	3	92
Railroads.....	M	.....	183	668	2,140	2,969	78
.....	F	.....	.....	.....	3	3	92
Street railways.....	M	.....	134	286	.....	400	71
Coach drivers, etc.....	M	.....	.....	450	705	1,155	83
Seamen, pilots, etc.....	M	.....	600	2,150	.....	2,750	67
Freight h'd'rs, truckmen, etc.....	M	93	2,103	493	51	2,742	46
5. Printing, Binding, Etc.....	M	66	5,507	8,138	1,602	15,313	68
.....	F	16	31	666	.....	613	70
6. Tobacco.....	M	61	89	5,029	.....	5,179	74
.....	F	20	.....	2,206	.....	2,226	78
7. Food and Liquors.....	M	38	174	7,521	303	8,036	76
.....	F	.....	.....	3	.....	3	77
Food preparation.....	M	38	135	3,272	242	3,687	77
.....	F	.....	.....	3	.....	3	77
Malt liquors.....	M	.....	39	4,249	61	4,349	75
8. Theaters and Music.....	M	267	453	2,255	300	3,275	69
.....	F	46	1,100	1,100	.....	1,146	75
9. Wood W'k'g and Furniture.....	M	246	1,321	6,096	.....	8,163	66
.....	F	.....	.....	10	.....	10	76
10. Restaurants, Retail trade, Hotels and restaurants.....	M	.....	150	1,735	200	2,085	76
.....	F	.....	.....	83	.....	83	77
Retail trade.....	M	.....	150	580	200	930	73
.....	M	.....	.....	1,155	.....	1,155	78
.....	F	.....	.....	83	.....	83	77
11. Public Employment.....	M	.....	400	3,404	3,871	7,675	79
.....	F	.....	.....	.....	1	1	92
12. Miscellaneous.....	M	46	.....	1,180	196	1,422	75
Glass.....	M	46	.....	602	.....	648	70
Barbering.....	M	.....	.....	.....	121	121	91
Other distinct trades.....	M	.....	.....	578	75	653	78
GRAND TOTAL.....	M	1,951	36,031	124,261	14,927	177,170	69
.....	F	82	2,027	6,554	124	8,387	64
.....	T	2,033	38,658	130,815	15,051	186,557	69

(a) NEW YORK CITY.

September, 1902.]

IDLENESS DURING EN-TIRE QUARTER.			IDLENESS AT THE END OF THE QUARTER.								
Members report-ing.	Number thereof idle.	Per cent idle.	Members report-ing.	Number thereof idle.	Per cent idle.	CAUSES OF IDLENESS.					
						Slack trade.	Weather or lack of materials.	Strike or lock-out.	Sick-ness, old age.	Other reasons.	Reason not stated.
61,880	398	.6	62,005	3,735	6.0	2,088	957	236	244	210	.....
4,985	4	.1	4,985	259	5.2	5	250		4		.....
47,376	394	.8	47,501	3,081	6.5	2,018	344	236	233	210	.....
9,619			9,519	395	4.1	65	323		7		.....
31,301	1,022	3.3	31,301	2,682	8.6	2,151	4	60	405	69	.....
5,631	228	4.1	5,631	348	6.3	207		20	106	15	.....
25,251	987	3.9	25,251	2,556	10.1	2,070		50	378	58	.....
4,176	203	5.0	4,176	628	7.9	307			106	15	.....
2,819			2,819	30	1.1	30					.....
53			53								.....
2,244	25	1.1	2,244	46	2.0	10		10	20		.....
202	20	9.9	202	20	9.9			20			.....
875	10	1.1	875	40	4.6	30		4	2	4	.....
1,100			1,100								.....
100			100	10	10.0	5			5		.....
24,944	346	1.4	24,944	986	4.0	661	153	6	98	69	.....
10,653	58	.5	10,653	311	3.1	155	100	3	60	13	.....
3,440	153	4.4	3,440	195	5.7	173			5	15	.....
9,229	81	.9	9,229	136	1.5	103		1	7	26	.....
1,622	54	3.3	1,622	321	20.0	231	62		26	15	.....
10,765	569	5.3	10,765	1,567	14.6	1,403	5		149	10	.....
3			3								.....
3,172	23	.7	3,172	139	4.4	113			16	10	.....
3			3								.....
400			400								.....
1,225	70	5.7	1,225	70	5.7	20			50		.....
2,824	74	2.6	2,824	500	17.7	450			50		.....
3,144	402	12.8	3,144	858	27.3	820	5		33		.....
16,598	1,272	7.7	16,598	1,637	9.9	1,062		301	200	14	.....
635	22	3.5	635	39	6.1	37			2		.....
5,422	70	1.5	5,422	162	3.0	17	18		127		.....
2,340	32	1.4	2,340	64	2.7	2	2		50		.....
8,362	246	2.9	8,379	613	7.3	445		20	29	93	16
2			2								.....
3,632	65	1.7	3,649	278	7.2	220		26	29	3	.....
2			2								.....
4,530	181	4.0	4,530	335	7.4	225		4		90	16
7,910	35	.4	4,410	330	7.5	380					.....
1,164	13	1.5	1,164	18	1.5	18					.....
8,789	124	1.4	8,789	608	6.9	190		306	52		.....
10			10								.....
2,106	19	.9	2,106	297	14.1	227		63	3	4	.....
83			83								.....
930			930	215	23.1	215					.....
1,176	19	1.6	1,176	82	7.0	12		63	3	4	.....
83			83								.....
7,788	113	1.5	7,788	534	6.9	81	155	150	94	54	.....
1			1								.....
2,104	20	1.0	2,104	34	1.6	32			2		.....
1,314	4	.3	1,314	4	.3	4					.....
122	1	.8	122	10	8.2	8			2		.....
668	15	2.2	668	20	3.0	20					.....
182,960	4,248	2.3	184,011	13,185	7.1	8,087	1,291	1,212	1,468	506	26
9,769	300	3.1	9,769	469	4.7	264	2	20	168	15	.....
197,738	4,543	2.3	194,380	13,644	7.0	8,951	1,293	1,232	1,621	521	26

TABLE I.—EMPLOYMENT AND IDLENESS:

[July, August,

INDUSTRIES OR GROUPS OF TRADES.	Sex.	MEMBERS WHO WORKED—				Total number report- ing	Average number of days worked.
		1-29 days.	30-59 days.	60-79 days.	80 days or over.		
1. Building, Etc.....	M	128	2,256	25,293	719	28,396	72
Stone working.....	M	15	156	1,061	.....	1,252	71
Brick and cement making.....	M	.....	116	228	60	402	66
Building and paving trades.....	M	113	1,940	22,435	594	25,082	72
Building and street labor.....	M	.....	44	1,551	65	1,660	72
2. Clothing and Textiles.....	M	59	300	4,055	268	5,582	74
.....	F	39	143	3,178	.....	3,360	75
Garments.....	M	54	257	1,495	198	2,004	71
.....	F	19	83	1,937	.....	2,039	78
Hats, caps and furs.....	M	4	5	310	70	389	78
.....	F	.....	.....	55	.....	55	77
Boots, shoes, gloves.....	M	.....	25	1,820	.....	1,845	76
.....	F	18	46	765	.....	817	78
Shirts, waists and laundry.....	M	.....	6	358	.....	359	76
.....	F	.....	3	186	.....	189	76
Textiles.....	M	1	7	977	.....	985	76
.....	F	2	11	297	.....	310	75
3. Metals, Machinery, Etc.....	M	52	1,017	21,349	3,145	25,563	77
.....	F	.....	33	618	.....	651	68
Iron and steel.....	M	14	527	18,546	863	19,950	76
.....	F	.....	33	618	.....	651	68
Other metals.....	M	38	37	909	.....	984	70
Engineers and firemen.....	M	.....	72	1,792	2,282	4,146	84
Shipbuilding.....	M	.....	381	102	.....	483	58
4. Transportation.....	M	321	2,624	9,740	14,176	26,861	80
.....	F	.....	.....	.....	2	2	22
Railroads.....	M	13	1,140	6,297	6,249	13,699	80
.....	F	.....	.....	.....	2	2	22
Street railways.....	M	.....	106	648	383	1,137	75
Coach drivers, etc.....	M	.....	5	.....	332	337	91
Seamen, pilots, etc.....	M	150	.....	.....	3,350	3,500	87
Freight h'd're, truckmen, etc.	M	158	1,373	2,795	3,661	8,118	78
5. Printing, Binding, Etc.....	M	40	101	3,272	107	3,520	75
.....	F	2	1	268	.....	261	74
6. Tobacco.....	M	103	88	3,291	19	3,501	74
.....	F	8	8	143	.....	159	70
7. Food and Liquors.....	M	26	35	3,881	483	4,425	78
.....	F	.....	.....	60	.....	60	77
Food preparation.....	M	17	10	1,897	281	2,205	79
.....	F	.....	.....	60	.....	60	77
Malt liquors.....	M	9	25	1,984	202	2,220	78
8. Theaters and Music.....	M	9	451	234	120	814	61
.....	F	.....	2	12	10	24	78
9. Wood W'k'g & Furniture.....	M	247	231	2,439	54	2,971	67
.....	F	.....	2	.....	.....	2	68
10. Restaurants, Retail Trade.....	M	6	58	4,685	168	4,907	78
Hotels and restaurants.....	M	.....	51	2,551	20	2,628	78
Retail trade.....	M	.....	7	2,134	138	2,279	78
.....	F	.....	.....	239	.....	239	77
11. Public Employment.....	M	3	7	43	1,266	1,319	88
.....	F	.....	.....	3	14	17	90
12. Miscellaneous.....	M	272	673	10,238	301	11,484	74
.....	F	.....	31	31	.....	31	78
Glass.....	M	268	3	1	.....	270	14
Barbering.....	M	.....	3	1,697	.....	1,700	78
Other distinct trades.....	M	1	80	3,230	274	3,585	76
.....	F	.....	.....	22	.....	22	76
Mixed employment.....	M	5	587	5,310	27	5,929	73
.....	F	.....	.....	9	.....	9	63
GRAND TOTAL.....	M	1,266	7,841	89,420	20,816	119,343	76
.....	F	49	189	4,542	26	4,806	73
.....	T	1,315	8,030	93,962	20,842	124,149	75

(b) THE STATE OUTSIDE OF NEW YORK CITY.

September, 1902.]

IDLENESS DURING EN-TIRE QUARTER.			IDLENESS AT THE END OF THE QUARTER.							
Members reporting.	Number thereof idle.	Per cent idle.	Members reporting.	Number thereof idle.	Per cent idle.	CAUSES OF IDLENESS.				
						Slack trade.	Weather or lack of materials.	Strike or lock-out.	Sick-ness, old age.	Other reasons.
29,039	188	0.6	29,039	1,005	3.8	422	395	172	62	44
1,236	24	1.9	1,236	77	5.9	38	30	7	4	.....
402	.....	0.0	402	62	15.4	58	.....	.....	4	.....
25,647	147	0.6	25,647	879	3.4	328	312	154	41	44
1,684	12	0.7	1,684	77	4.6	.....	53	11	18	.....
5,990	27	0.5	5,990	110	1.8	74	7	6	21	2
3,759	20	0.5	3,759	128	3.4	79	14	5	32	.....
2,019	1	0.1	2,019	35	1.7	34	1	.....	.....	.....
2,049	10	0.5	2,049	77	3.8	39	14	2	22	.....
391	2	0.5	391	7	1.8	5	.....	.....	.....	.....
55	.....	0.0	55	.....	0.0	.....	.....	.....	.....	.....
2,008	3	0.1	2,008	30	1.5	25	.....	3	2	.....
884	10	1.1	884	50	5.7	40	.....	.....	10	.....
387	7	1.8	387	7	1.8	5	.....	.....	.....	2
461	.....	0.0	461	.....	0.0	.....	.....	.....	.....	.....
1,185	14	1.2	1,185	31	2.6	5	6	1	19	.....
310	.....	0.0	310	1	0.3	.....	.....	1	.....	.....
25,901	148	0.6	25,901	607	2.3	180	12	118	144	152
651	.....	0.0	651	.....	0.0	.....	.....	.....	.....	1
20,155	113	0.6	20,155	468	2.3	100	12	110	135	110
651	.....	0.0	651	.....	0.0	.....	.....	.....	.....	.....
1,184	1	0.1	1,184	86	8.3	38	.....	4	2	42
4,229	29	0.7	4,229	46	1.1	35	.....	4	7	.....
483	.....	0.0	483	7	1.4	7	.....	.....	.....	.....
25,205	535	2.1	25,205	1,282	6.1	275	61	663	176	87
2	.....	0.0	2	.....	0.0	.....	.....	.....	.....	.....
14,347	286	2.0	14,347	515	3.6	111	.....	175	151	75
2	.....	0.0	2	.....	0.0	.....	.....	.....	.....	.....
1,137	.....	0.0	1,137	268	23.1	6	.....	240	12	5
357	.....	0.0	357	5	1.4	5	.....	.....	.....	.....
3,500	.....	0.0	3,500	150	4.3	150	.....	.....	.....	.....
5,861	249	4.2	5,861	349	6.0	3	81	248	10	7
3,592	22	0.6	3,592	115	3.2	76	.....	.....	17	20
265	2	0.8	265	14	5.3	12	.....	.....	2	.....
3,535	34	1.0	3,535	76	2.1	17	.....	.....	31	26
160	1	0.6	160	2	1.3	2	.....	.....	.....	2
4,928	476	9.7	4,928	518	10.5	116	377	.....	15	10
60	.....	0.0	60	.....	0.0	.....	.....	.....	.....	.....
2,267	44	1.9	2,267	62	2.7	49	.....	.....	7	6
60	.....	0.0	60	.....	0.0	.....	.....	.....	.....	.....
2,661	432	16.2	2,661	456	17.1	67	377	.....	8	4
824	12	1.5	824	12	1.5	.....	.....	10	2	.....
25	1	4.0	25	1	4.0	.....	.....	.....	.....	1
3,022	33	1.1	3,022	94	3.1	34	.....	23	24	13
2	.....	0.0	2	2	100.0	2	.....	.....	.....	.....
5,550	61	1.1	5,501	148	2.6	104	.....	.....	26	18
247	1	0.4	247	1	0.4	.....	.....	.....	7	.....
2,746	54	2.0	2,761	130	4.7	98	.....	.....	17	17
2,804	7	0.2	2,840	18	0.6	8	.....	.....	9	1
247	1	0.4	260	1	0.4	.....	.....	.....	1	.....
1,846	8	0.6	1,846	12	0.9	.....	.....	.....	9	3
17	.....	0.0	17	.....	0.0	.....	.....	.....	.....	.....
12,153	189	1.6	12,411	516	4.2	86	130	255	30	15
157	.....	0.0	157	.....	0.0	.....	.....	.....	.....	.....
407	124	32.9	407	134	32.9	1	128	.....	2	3
1,800	8	0.4	1,801	20	1.1	5	.....	2	11	2
3,734	12	0.3	3,991	287	7.2	25	1	248	7	6
148	.....	0.0	149	.....	0.0	.....	.....	.....	.....	.....
6,212	35	0.8	6,212	75	1.2	53	1	5	10	4
9	.....	0.0	9	.....	0.0	.....	.....	.....	.....	.....
121,085	1,723	1.4	121,844	4,585	3.8	1,384	1,002	1,069	652	427
5,345	25	0.6	5,358	148	2.8	95	14	.....	35	35
126,480	1,748	1.4	126,702	4,733	3.7	1,479	1,016	1,069	658	460

TABLE I.—EMPLOYMENT AND IDLENESS:

[July, August,

INDUSTRIES OR GROUPS OF TRADES.	Sex.	MEMBERS WHO WORKED—				Total number reporting.	Average number of days worked.
		1-29 days.	30-59 days.	60-79 days.	80 days or over.		
1. Building, Etc.....	M	666	12,295	74,808	2,332	89,001	69
Stone working.....	M	95	571	5,317	250	6,233	72
Brick and cement making.....	M	116	226	60	402	66	66
Building and paving trades.....	M	570	10,986	58,706	1,525	71,787	68
Building and street labor.....	M	1	622	10,059	497	11,179	71
2. Clothing and Textiles.....	M	400	12,890	21,943	628	35,861	63
Garments.....	F	39	2,739	5,765	180	8,663	64
Hats, caps and furs.....	M	353	12,204	13,164	558	26,280	59
Boots, shoes and gloves.....	F	19	2,179	3,689	120	6,007	63
Shirts, waists and laundry.....	M	4	103	8,020	70	3,208	74
Textiles.....	F	7	158	3,941	108	4,064	69
3. Metals, Machinery, Etc.....	M	307	2,805	40,222	6,731	50,065	76
Iron and steel.....	F	33	53	618	651	68	68
Other metals.....	M	36	1,597	27,904	1,008	30,545	75
Engineers and firemen.....	F	35	35	618	651	68	68
Shipbuilding.....	M	233	84	3,871	1	4,189	72
4. Transportation.....	M	414	5,644	13,767	17,072	36,897	76
Railroads.....	F	13	1,323	6,963	9,389	16,688	79
Street railways.....	M	240	914	883	1,537	74	74
Coach drivers, etc.....	M	5	450	1,037	1,492	85	85
Seamen, pilots, etc.....	M	150	600	2,150	3,850	6,250	78
Freight h'd'rs, truckmen, etc.....	M	231	3,476	3,290	3,913	10,930	70
5. Printing, Binding, Etc.....	M	106	5,608	11,410	1,709	18,833	70
6. Tobacco.....	F	18	32	824	874	72	72
7. Food and Liquors.....	M	104	177	8,320	19	8,680	74
Food preparation.....	F	23	8	2,349	2,385	71	71
Mlt liquors.....	M	64	209	11,402	786	12,401	77
8. Theaters and Music.....	F	55	145	5,169	623	5,892	78
9. Wood W'k'g and Furniture.....	M	9	61	6,233	283	6,569	76
10. Restaurants, Retail Trade.....	M	276	904	2,489	420	4,089	67
Hotels and restaurants.....	F	46	2	1,112	10	1,170	75
Retail trade.....	M	493	2,052	8,535	54	11,134	67
11. Public Employment.....	F	6	203	6,420	358	6,992	77
12. Miscellaneous.....	M	312	3	603	918	53	53
Glass.....	F	6	201	3,131	220	3,558	76
Barbering.....	M	7	3,289	198	3,434	77	77
Other distinct trades.....	F	3	407	3,447	5,137	8,994	81
Mixed employment.....	M	318	678	11,418	497	12,006	74
GRAND TOTAL.....	F	131	2,816	11,096	160	14,193	61
	T	3,348	40,688	224,777	35,893	310,706	71

(c) THE ENTIRE STATE.

September, 1902.]

IDLENESS DURING EN- TIRE QUARTER.			IDLENESS AT THE END OF THE QUARTER.								
Members report- ing.	Number thereof idle.	Per cent idle.	Members report- ing.	Number thereof idle.	Per cent idle.	CAUSES OF IDLENESS					Reason not stated.
						Slack trade.	Weather or lack of mate- rials.	Strike or lock- out.	Sick- ness, old age.	Other reasons.	
90,919	581	0.6	91,044	4,880	5.3	2,510	1,352	236	410	272	44
6,281	28	0.4	6,281	336	5.3	41	280		11	4	
402		0.0	402	62	15.4	58				4	
73,033	541	0.7	73,148	3,960	5.4	2,346	696	236	387	251	44
11,213	12	0.1	11,213	472	4.2	65	376		18	13	
37,291	1,040	2.8	37,291	2,792	7.5	2,225	11	60	411	88	2
9,250	248	2.7	9,250	476	5.1	286	14	20	109	47	
27,282	988	3.6	27,282	2,591	9.5	2,104	1	50	378	58	
6,225	218	3.5	6,225	405	6.5	246	14		108	37	
3,210	2	0.1	3,210	37	1.2	35			2		
108		0.0	108		0.0						
4,252	28	0.7	4,252	76	1.8	41		10	23	2	
1,086	50	2.8	1,086	70	6.4	40		20		10	
1,262	17	1.3	1,262	47	3.7	35	4		2	4	2
1,561		0.0	1,561		0.0						
1,285	14	1.1	1,285	41	3.2	10	6		6	10	
510		0.0	510	1	0.3				1		
50,845	489	1.0	50,794	1,598	3.1	841	164	124	242	221	1
651		0.0	651		0.0						
30,908	171	0.6	30,751	799	2.6	255	112	118	195	123	1
651		0.0	651		0.0						
4,474	154	3.4	4,480	281	6.3	211		6	7	57	
13,458	110	0.8	13,458	182	1.4	137		5	14	28	
2,105	54	2.6	2,105	331	15.7	238	52		26	15	
35,970	1,104	3.1	35,970	2,849	7.9	1,678	86	663	325	87	10
5		0.0	5		0.0						
17,519	309	1.8	17,519	654	3.7	224		175	170	75	10
5		0.0	5		0.0						
1,537		0.0	1,537	263	17.1	6		240	12	5	
1,582	70	4.4	1,582	75	4.7	25			50		
6,324	74	1.2	6,324	650	10.3	600			50		
9,008	651	7.2	9,008	1,207	13.4	823	86	248	43	7	
20,190	1,294	6.4	20,190	1,752	8.7	1,188		301	277	34	2
900	24	2.7	900	53	5.9	49			4		
8,957	113	1.3	8,957	238	2.7	34	18		158	26	2
2,500	23	1.3	2,500	66	2.2	4	2		50		
13,290	722	5.4	13,308	1,131	8.5	561	377	30	44	103	16
63		0.0	63		0.0						
6,099	109	1.8	6,117	340	5.6	269		26	36	9	
63		0.0	63		0.0						
7,191	613	8.5	7,191	791	11.0	292	377	4	8	94	16
8,784	47	0.5	8,784	342	3.9	330		10	2		
1,189	19	1.6	1,189	19	1.6	18				1	
11,811	157	1.3	11,811	702	5.9	224		389	70	13	
12		0.0	12		16.7	2					
7,656	80	1.0	7,707	445	5.8	331		63	20	22	
330	1	0.3	343	1	0.3				1		
3,676	54	1.4	3,691	345	9.3	311			17	17	
3,983	26	0.7	4,016	100	2.5	20		63	12	6	
330	1	0.3	343	1	0.3				1		
9,134	121	1.3	9,134	546	6.0	81	155	150	103	57	
18		0.0	18		0.0						
14,257	209	1.5	14,515	550	3.8	118	180	255	32	15	
157		0.0	157		0.0						
1,721	138	8.0	1,721	138	8.0	5	128		2	3	
1,922	9	0.5	1,923	30	1.6	13		2	13	2	
4,402	27	0.6	4,659	307	6.6	45	1	248	7	6	
149		0.0	149		0.0						
6,212	35	0.6	6,212	75	1.2	55	1	5	10	4	
9		0.0	9		0.0						
309,054	5,966	1.9	305,955	17,770	5.8	10,071	2,293	2,281	2,115	933	77
15,114	325	2.2	15,127	607	4.0	359	16	10	164	48	
324,168	6,291	1.9	321,082	18,377	5.7	10,430	2,309	2,301	2,279	981	77

TABLE II.—QUARTERLY EARNINGS:

[July, August,

INDUSTRIES OR GROUPS OF TRADES.	Sex.	NUMBER OF MEMBERS OF				
		\$1 to \$24.	\$25 to \$49.	\$50 to \$74.	\$75 to \$99.	\$100 to \$124.
I. Building, Stone Working, Etc.	M	4	16	360	320	409
Stone working	M					80
Building and paving trades	M	4	16	359	318	327
Building and street labor	M			1	2	2
II. Clothing and Textiles.	M	55	148	828	4 650	7,308
	F		139	2,331	1,322	1,366
Garments	M	23	138	546	4,313	6,632
	F		139	1,881	1,068	690
Hats, caps and furs	M					100
	F				20	30
Boots, shoes, gloves, etc.	M	7		22	337	446
	F				146	36
Shirts, waists and laundry	M	25	10	260		30
	F			500		600
Textiles	M					100
III. Metals, Machinery and Shipbuilding	M	1	219	63	43	2,432
Iron and steel	M		21	36		367
Other metals	M		193		35	205
Engineers and firemen	M					1,800
Shipbuilding	M	1	3	26	8	60
IV. Transportation	M	13		40	2,095	1,732
	F					158
Railroads	M					
	F					
Street railways	M					
Coach drivers, etc.	M					75
Seamen, pilots, etc.	M				1,600	1,150
Freight handlers, truckmen, etc.	M	13		40	495	349
V. Printing, Binding, Etc.	M	30	10	74	47	213
	F	1	5	128	84	262
VI. Tobacco	M		61	4	906	464
	F		20	13	668	353
VII. Food and Liquors	M	1	114	41	119	182
	F				2	
Food preparation	M	1	114	41	80	157
	F				2	
Malt liquors	M				39	25
VIII. Theaters and Music	M	15	137	256	33	236
	F		24	14		4
IX. Wood Working and Furniture	M		56		493	145
	F					8
X. Restaurants and Retail Trade	M			100	65	131
	F			55	18	10
Hotele and restaurants	M			100	50	50
	F				15	81
Retail trade	M			55	18	10
XI. Public Employment	M					2
	F					
XII. Miscellaneous	M			46	25	55
Glass	M			46		
Barbering	M					28
Other distinct trades	M				25	27
GRAND TOTAL	M	119	761	1,911	8,803	13,309
	F	1	186	2,591	1,894	1,895

(a) NEW YORK CITY.

September, 1902].

LABOR ORGANIZATIONS WHO EARNED—								Total number reporting earnings.	Average earnings.
\$125 to \$149.	\$150 to \$174.	\$175 to \$199.	\$200 to \$224.	\$225 to \$249.	\$250 to \$274.	\$275 to \$299.	\$300 or more.		
595	2,788	8,767	7,957	10,445	6,892	12,260	10,396	61,804	\$252 99
82	560	185	1,168	120	713	2,185	4,981	285 40	
411	2,127	4,578	8,542	8,494	6,732	11,547	8,249	46,705	259 47
181	574	3,039	4,280	785	40		12	9,519	204 23
3,392	4,559	5,625	1,456	1,310	629	220	99	30,279	144 61
202	3							5,305	81 63
3,100	2,291	4,105	1,407	935	489	210	87	24,276	141 30
199	3							3,968	79 60
116	1,086	525	37	325	10	10	10	2,819	171 06
3								53	94 15
156	512	695	12		30		2	2,219	147 06
								128	85 77
20	70	300		50	100			865	148 37
								1,100	87 64
								100	114 74
1,500	1,065	3,324	3,325	4,224	4,352	284	3,061	24,502	215 80
1,123	959	425	2,591	2,506	2,077	101	389	10,595	213 87
52	426	946	200	531	508	6	101	3,205	195 24
142	248	1,816	260	1,031	1,089	177	2,571	9,134	224 73
183	34	137	284	156	678			1,568	218 87
1,859	1,681	1,592	138	812	106	21	956	10,036	152 82
	3							150 00	
67	589	837	98	171	92	21	956	2,989	222 44
	3							150 00	
134	266							400	150 45
150	430	450		50				1,155	165 71
								2,750	90 83
1,008	396	295	40	92	14			2,742	134 03
1,790	1,079	795	5,547	1,844	778	1,840	1,266	15,313	222 35
87	6	10	11	9	11	1		613	111 67
1,331	1,541	258	150	381	35	38	10	5,170	143 24
407	817	49						2 226	123 39
318	1,707	1,409	1,467	1,974	271	13	420	8,036	200 03
								2	77 00
278	1,202	828	342	178	93	13	380	3,687	183 65
								2	77 00
40	505	581	1,125	1,796	178		60	4,349	213 91
88	50				35		2,420	3,275	387 78
4							1,100	1,146	501 55
655	914	2,754	1,353	749	898	17	127	8,163	193 49
	2							10	123 20
293	654	249	50	474	51	5	13	2,085	169 81
								83	75 10
115	351	102	25	125	12			930	154 19
178	303	147	25	349	39	5	13	1,155	182 39
								83	75 10
152	934	2,505	2,355	1,197	468	34	48	7,675	203 74
				1				1	225 00
203	234	206	245	175	50	110	73	1,422	193 93
	92		175	147	50	110	28	648	219 77
93								121	129 04
110	142	206	70	28			45	653	180 32
11,676	17,801	27,474	24,033	23,086	14,566	14,842	18,880	177,170	\$211 55
700	831	58	11	10	11	1	1,100	9,387	146 93

TABLE II.—QUARTERLY EARNINGS:

[July, August

INDUSTRIES OR GROUPS OF TRADES.	Sex	NUMBER OF MEMBERS OF				
		\$1 to \$24.	\$25 to \$49.	\$50 to \$74.	\$75 to \$99.	\$100 to \$124.
I. Building, Stone Working Etc.....	M	4	14	150	788	1,834
Stone working	M				35	80
Brick and cement working	M			5	159	131
Building and paving trades	M	4	14	154	547	759
Building and street labor.....	M				47	864
II. Clothing and Textiles.....	M	2	102	97	307	592
	F	29	801	672	1,098	1,065
Garments	M	2	90	62	240	281
	F	27	257	530	662	606
Hats, caps and furs	M			4	8	
	F					55
Boots, shoes and gloves	M		12	13	43	175
	F		31	81	244	324
Shirts, waists and laundry.....	M				18	17
	F			9	50	80
Textiles	M			18	46	119
	F	2	13	58	148	100
III. Metals, Machinery and Shipbuilding	M		45	205	315	2,129
	F		33	60	303	305
Iron and steel	M		45	185	272	1,738
	F		33	60	303	205
Other metals.....	M			4	18	42
Engineers and firemen.....	M			36	18	217
Shipbuilding	M				7	134
IV. Transportation.....	M		56	373	848	2,995
	F				7	
Railroads.....	M		36	13	493	825
	F					
Street railways.....	M			6	120	243
Coach drivers.....	M			5		
Seamen, pilots, etc.....	M			150		
Freight handlers, truckmen, etc.....	M		20	199	235	1,827
V. Printing, Binding, Etc.....	M	2	14	107	25	289
	F		50	93	23	5
VI. Tobacco.....	M	1	110	17	90	348
	F		8	13	24	52
VII. Food and Liquors.....	M	10	10	10	140	271
	F			60		
Food preparation.....	M	1	10	7	185	185
	F			60		
Malt liquors.....	M	9		3	5	76
VIII. Theatres and Music.....	M		24	1	28	71
	F					
IX. Wood Working and Furniture.....	M	4	245	72	224	507
	F		2			
X. Restaurants and Retail Trade.....	M		39	31	130	808
	F		12	41	52	109
Hotels and restaurants	M		6	12	51	432
	M		33	19	79	376
Retail trade	F		12	41	52	109
XI. Public Employment	M	3	1		6	7
	F		1		1	3
XII. Miscellaneous	M	79	34	185	1,861	3,699
	F			9	22	
Glass.....	M	75	29	114	1	51
Barbering.....	M				3	185
Other distinct trades	M		1	6	313	642
	F				22	
Mixed employment.....	M	4	4	65	1,544	2,311
	F			9		
GRAND TOTAL	M	105	694	1,258	4,772	13,550
	F	29	447	948	1,529	1,468

(b) THE STATE OUTSIDE OF NEW YORK CITY.

September, 1902.]

LABOR ORGANIZATIONS WHO EARNED—								Total number reporting earnings.	Average earnings.
\$125 to \$149.	\$150 to \$174.	\$175 to \$199.	\$200 to \$224.	\$225 to \$249.	\$250 to \$274.	\$275 to \$299.	\$300 or more.		
1,515	6,078	6,568	3,182	3,874	1,768	1,847	775	28,396	\$196 89
49	181	114	109	363	139	94	88	1,252	214 80
12	85	60						402	119 24
1,315	5,402	6,839	3,073	3,511	1,624	1,753	687	25,082	202 06
289	460	50						1,660	124 43
880	2,277	592	132	299	163	67	122	5,582	157 78
133	53	25	5		1			3,560	87 06
317	321	261	73	142	189	67	49	2,004	168 84
23	51							2,039	80 64
	10	180	24	139	4		73	889	231 24
								55	115 50
100	1,442	50	10					1,845	147 28
110	7	25						317	96 46
16	241	58	6	8				359	156 43
								139	59 32
397	263	98	19	10	20			945	145 70
					1			310	93 97
2,726	5,498	6,110	4,181	2,001	842	671	820	25,543	184 79
50								651	94 30
2,224	3,676	4,896	3,835	1,551	647	590	313	19,950	184 26
50								651	94 30
91	275	335	41	131	47			984	179 17
291	1,445	854	230	319	148	81	507	4,146	191 97
120	102	25	75					463	155 38
9,519	3,912	3,412	914	1,007	696	843	2,086	26,861	172 94
7								7	105 00
1,576	3,063	2,712	843	1,007	602	743	1,786	13,699	200 56
7								7	105 00
128	488	154						1,187	142 98
332								337	129 23
3,300		50						3,500	139 18
4,183	363	496	71		294	100	300	8,188	147 12
203	398	1,203	360	370	377	163	99	3,520	192 94
7	16	14		8				261	79 06
959	1,269	590	34	79	10	1	2	3,501	148 86
21	5	3						159	104 31
460	1,578	1,273	470	148	85	20		4,425	168 41
								60	65 00
381	883	521	40	31	1			2,205	153 87
								60	65 00
79	695	752	430	117	34	20		2,220	182 85
247	85	125	44	106	33	16	34	814	169 77
2	5	3	1		9		4	24	237 63
350	894	443	20	141	4		67	2,971	144 65
								2	48 33
1,363	1,548	831	23	74	21	17	22	4,907	146 10
19	6							239	93 17
749	991	348	15	26				2,628	141 28
614	557	485	8	48	21	17	22	2,279	150 50
19	6							239	93 17
17	100	37	635	62	886	37	27	1,319	218 54
3	2	2	2	3		1		17	158 47
3,495	1,536	319	101	56	116		2	11,484	125 38
								31	73 44
								270	58 42
902	445	153	2					1,700	142 83
1,432	749	149	98	56	116		3	3,585	140 72
								22	77 85
1,141	342	17	1					5,929	114 15
								9	62 87
21,675	25,173	21,498	9,996	8,317	4,646	3,682	4,057	119,333	\$174 28
339	67	47	6	11	10	1	4	4,806	89 08

TABLE II.—QUARTERLY EARNINGS:

[July, August,

INDUSTRIES OR GROUPS OF TRADES.	Sex.	NUMBER OF MEMBERS OF				
		\$1 to \$24.	\$25 to \$49.	\$50 to \$74.	\$75 to \$99.	\$100 to \$124.
I. Building, Stone Working, Etc.....	M	8	30	519	1,108	2,243
Stone working.....	M	.....	.....	.....	85	180
Brick and cement making.....	M	.....	.....	5	159	121
Building and paving trades.....	M	8	30	519	885	1,088
Building and street labor.....	M	.....	.....	1	49	886
II. Clothing and Textiles	M	57	250	925	4,957	7,900
Garments	F	29	440	3,055	2,320	2,421
.....	M	25	228	808	4,513	6,913
.....	F	27	396	2,411	1,713	1,196
Hats, caps and furs.....	M	.....	.....	4	5	100
.....	F	.....	.....	.....	20	55
Boots, shoes and gloves.....	M	7	12	25	380	621
.....	F	.....	31	81	320	360
Shirts, waists and laundry.....	M	25	10	260	13	47
.....	F	.....	.....	509	60	680
Textiles.....	M	.....	.....	18	48	219
.....	F	2	15	52	149	100
III. Metals, Machinery and Shipbuilding	M	1	264	267	353	4,561
.....	F	.....	33	60	303	205
Iron and steel.....	M	.....	66	201	272	2,103
.....	F	.....	33	60	303	205
Other metals.....	M	.....	195	4	53	247
Engineers and firemen.....	M	.....	.....	36	18	2,017
Shipbuilding.....	M	1	3	26	15	194
IV. Transportation	M	13	56	413	2,943	4,727
.....	F	.....	.....	.....	1	.....
Railroads	M	.....	36	13	493	963
.....	F	.....	.....	.....	1	.....
Street railways.....	M	.....	.....	6	120	243
Coach drivers, etc.....	M	.....	.....	5	.....	75
Seamen, pilots, etc.....	M	.....	.....	150	1,000	1,150
Freight handlers, truckmen, etc.....	M	13	20	239	730	2,276
V. Printing, Binding, Etc.....	M	32	24	181	82	502
.....	F	1	25	221	112	267
VI. Tobacco.....	M	1	171	21	996	812
.....	F	.....	28	26	692	435
VII. Food and Liquors.....	M	11	124	51	259	453
.....	F	.....	.....	60	2	.....
Food preparation.....	M	2	124	48	215	352
.....	F	.....	.....	60	2	.....
Malt liquors.....	M	9	.....	3	44	101
VIII. Theaters and Music	M	15	161	257	66	307
.....	F	.....	24	14	.....	4
IX. Wood Working and Furniture	M	4	301	72	719	652
.....	F	.....	2	.....	.....	8
X. Restaurants and Retail Trade	M	.....	39	131	195	929
Hotels and restaurants.....	F	.....	12	96	70	119
.....	M	.....	6	112	101	482
Retail trade.....	M	.....	33	19	94	457
.....	F	.....	12	96	70	119
XI. Public Employment.....	M	3	1	1	6	9
.....	F	.....	1	.....	1	2
XII. Miscellaneous.....	M	79	34	231	1,886	2,754
.....	F	.....	.....	9	22	.....
Glass.....	M	75	29	160	1	51
Barbering.....	M	.....	.....	.....	3	223
Other distinct trades.....	M	.....	1	6	338	689
.....	F	.....	.....	.....	22	.....
Mixed employment.....	M	4	4	65	1,544	2,811
.....	F	.....	.....	9	.....	.....
GRAND TOTAL.....	M	224	1,455	3,069	13,575	26,859
.....	F	30	633	3,539	3,423	3,461

(c) THE ENTIRE STATE.

September, 1902.]

LABOR ORGANIZATIONS WHO EARNED—

\$125 to \$149.	\$150 to \$174.	\$175 to \$199.	\$200 to \$224.	\$225 to \$249.	\$250 to \$274.	\$275 to \$299.	\$300 or more.	Total number reporting earnings.	Average earnings.
2,110	8,861	15,880	11,189	14,319	8,656	14,107	11,171	89,601	\$235 21
49	263	664	244	1,529	259	807	2,233	6,233	271 12
12	35	60						402	119 24
1,626	7,529	10,917	6,615	12,005	8,357	13,800	8,986	71,787	239 41
423	1,034	3,689	4,280	785	40		12	11,179	192 38
4,222	6,886	6,217	1,588	1,609	792	287	221	35,861	146 66
355	56	25	3		1			8,665	83 73
3,417	2,612	4,366	1,480	1,077	628	277	136	26,200	142 64
322	34							6,007	79 95
116	1,096	655	61	464	14	10	83	3,208	178 35
3								108	105 02
256	1,954	745	22		80		2	4,064	147 16
110	2	25						999	94 51
36	311	858	6	58	100			1,224	151 61
								1,239	88 95
397	263	93	19	10	20			1,085	142 85
					1			310	64 94
4,226	7,163	9,434	7,516	6,235	5,194	955	3,881	50,045	199 97
60								661	94 30
3,347	4,685	5,321	6,426	4,057	2,724	691	702	30,545	194 53
60								661	94 30
143	701	1,281	241	662	555	6	101	4,189	191 47
433	1,693	2,670	490	1,350	1,237	258	3,078	13,790	214 50
303	134	162	350	156	678			2,031	204 40
10,878	5,593	4,994	1,052	1,320	1,002	864	3,042	36,897	167 47
1	3							5	133 00
1,643	3,632	3,540	941	1,178	694	764	2,742	16,688	201 48
1	3							5	133 00
262	752	154						1,537	144 92
482	480			50				1,492	157 47
3,300		50						6,250	117 90
5,191	759	791	111	92	308	100	300	10,980	143 84
1,992	1,477	1,908	5,807	2,214	1,155	2,003	1,865	18,833	216 85
24	22	24	11	17	11	1		874	101 93
2,261	2,810	848	184	460	45	39	12	8,680	145 51
431	822	51						2,385	127 23
778	3,285	2,682	1,937	2,122	306	33	420	12,461	188 80
								62	65 39
659	2,085	1,349	382	209	94	13	360	5,892	172 50
								62	65 39
119	1,200	1,333	1,555	1,913	212	20	60	6,569	208 42
335	135	125	44	106	68	16	2,454	4,089	344 38
6	6	5	1		9		1,104	1,170	496 95
1,005	1,808	3,197	1,373	890	902	17	194	11,134	180 46
	2							12	110 72
1,656	2,202	1,080	73	548	72	22	35	6,992	153 17
19	6							222	83 51
864	1,842	448	40	151	12			3,554	145 40
792	860	632	33	397	60	22	35	3,434	161 22
19	6							322	88 51
169	1,084	2,542	2,970	1,259	854	71	75	8,994	205 91
3	2	2	2	4		1		18	163 17
3,698	1,770	525	346	231	166	110	76	12,906	132 93
								51	75 44
	92		175	147	50	110	28	918	172 31
995	445	153	2					1,521	141 91
1,562	891	355	168	84	116		48	4,238	146 82
								22	77 85
1,141	342	17	1					5,929	114 15
								9	62 67
32,351	42,974	43,972	34,029	31,808	19,212	18,524	22,946	290,498	\$196 55
939	898	106	17	21	21	2	1,104	14,193	126 78

TABLE III.—NUMBER AND MEMBERSHIP OF UNIONS, SEPTEMBER 30, 1902.

INDUSTRIES OR GROUPS OF TRADES.	NUMBER OF UNIONS.			Sex.	MEMBERSHIP OF UNIONS.		
	New York City.	Other towns.	New York State.		New York City.	Other Towns.	New York State.
1. Building, Etc.....	178	429	607	M	62,030	29,154	91,184
Stone working.....	11	29	40	M	4,985	1,306	6,291
Brick and cement making.....	.....	8	8	M	.....	402	402
Building and paving trades.....	145	369	514	M	47,526	25,753	73,279
Building and street labor.....	22	23	45	M	9,519	1,694	11,213
2. Clothing and Textiles.....	67	110	177	M	31,801	6,068	37,869
Garments.....	44	46	90	M	5,531	4,034	9,565
Hats, caps and furs.....	10	5	15	M	25,268	2,021	27,289
Boots, shoes, gloves, etc.....	9	25	34	M	4,176	2,049	6,225
Shirts, waists and laundry.....	3	13	16	M	2,819	892	3,711
Textiles.....	1	21	22	M	65	55	120
3. Metals, Machinery, Etc.....	108	286	394	M	24,944	26,154	51,098
Iron and steel.....	45	204	249	M	.....	651	.....
Other metals.....	23	18	41	M	10,653	30,392	31,045
Engineers and firemen.....	30	60	90	M	8,440	1,040	4,400
Shipbuilding.....	10	4	14	M	9,229	4,239	13,468
4. Transportation.....	45	231	276	M	1,622	463	2,165
Railroads.....	23	148	171	M	10,915	25,981	36,896
Street railways.....	1	9	10	M	5	2	7
Coach drivers, etc.....	3	5	8	M	3,322	14,475	17,797
Seamen, pilots, etc.....	2	1	3	M	5	2	7
Freight handlers, truckmen, etc..	16	68	84	M	400	1,681	2,081
5. Printing, Binding, Etc.....	32	77	109	M	1,225	357	1,582
6. Tobacco.....	14	48	62	M	2,824	3,500	6,324
7. Food and Liquors.....	39	91	130	M	3,144	5,968	9,112
Food preparation.....	30	41	71	M	16,598	3,610	20,208
Malt Liquors, mineral waters.....	9	50	59	M	655	267	922
8. Theaters and Music.....	12	31	44	M	5,422	3,710	9,132
9. Wood Working and Furniture..	28	47	75	M	2,340	161	2,501
10. Restaurants and Retail Trade..	14	91	105	M	8,379	4,930	13,309
Hotels and restaurants.....	5	35	40	M	2	60	62
Retail trade.....	9	56	65	M	3,849	2,269	6,118
11. Public Employment.....	26	79	105	M	4,530	2,661	7,191
12. Miscellaneous.....	15	130	145	M	7,910	2,435	10,345
Glass.....	7	13	20	M	1,164	79	1,243
Barbering.....	2	40	42	M	8,789	3,022	11,811
Other distinct trades.....	6	45	51	M	10	2	12
Mixed employment.....	.....	32	32	M	2,104	12,824	14,928
GRAND TOTAL.....	579	1,650	2,229	M	2,106	6,054	8,160
				F	65	260	325
				T	930	2,796	3,726
					1,176	3,258	4,434
					83	260	343
					7,788	1,354	9,142
					1	17	18
					2,104	12,824	14,928
					.....	157	157
					1,314	408	1,722
					122	1,815	1,937
					668	4,213	4,881
					.....	145	145
					.....	6,396	6,396
					.....	9	9
					188,286	125,304	313,590
					9,769	5,740	15,509
					198,055	131,046	329,101

BUREAU OF FACTORY INSPECTION—THIRD QUARTER, 1902.

Table IV.—Work of Deputy Factory Inspectors.

	July.	August.	September.	Total.
Factories inspected.....	4,639	808	4,972	10,419
Tenement workshops (front).....	82	379	87	498
Tenement workshops (rear)	50	319	26	395
Bakeries and confectionery establishments.....	509	72	547	1,128
Total factory inspections.....	5,280	1,578	5,582	12,440
Mines and quarries.....	10	30	35	75
Tenement workrooms.....	203	5,838	231	6,272
Unlicensed places found.....	31	74	18	118
License applications investigated	1,098	1,389	735	3,222
License applications reinvestigated	63	42	33	137
License refusals investigated.....	63	106	40	208
Tagging cases.....	22	27	14	63
Places found closed, burned, removed, etc :				
Factories and workshops.....	884	293	1,082	2,259
Tenement workrooms.....	120	2,107	164	2,391
License applicants.....	123	141	97	361
Prosecutions.....	1	.....	.....	1
Complaints investigated.....	38	33	52	123
Compliance with orders investigated...	85	113	86	284
Accidents investigated.....	2	8	6	16
Statistical reports collected	263	1,036	347	1,646

Table V.—Licenses for Tenement Manufacture.

	New York City.	Remainder of State.	Total.
Applications for license investigated.....	3,103	130	3,222
Number of licenses issued :			
To applicants not previously licensed.....	2,060	88	2,148
To persons previously licensed but removed, etc ...	996	60	1,056
Total	3,056	148	3,204
Number of licenses refused.....	339	9	348
Number of licenses revoked.....	77	.....	77
Licenses returned upon change of residence.....	2,147	60	2,207
Licenses returned upon cessation of work.....	5	10	15
Total licenses outstanding June 30, 1902.....	20,702	9,000	29,702
Net increase July—September, 1902.....	827	78	905
Outstanding September 30, 1902	21,529	9,078	30,607

Table VI.—Contagious Diseases in Licensed Tenement Workrooms and Notices Sent to Employers on Account of Same.

MONTH.	DIPHTHERIA.		SCARLET FEVER.		TYPHOID FEVER.		TOTAL.	
	Cases.	Notices.	Cases.	Notices.	Cases.	Notices.	Cases.	Notices.
July	10	6	..	..	1	1	11	7
August	8	7	2	..	2	..	12	7
September	5	3	1	1	2	1	8	5

Table VII.—Accidents Reported in

	I. Stone, glass and clay products.	II. Metals, hardware, machinery, ship- building.	III. Wood man- ufactures.	IV. Leather, rubber, etc.
A. SEX AND AGE OF EMPLOYEES INJURED:				
Males				
Under 15 years .....	.....	1	3	.....
15 and under 16 .....	.....	10	1	1
16 and under 18 .....	.....	57	10	.....
18 and over	16	595	66	15
Age not stated .....	.....	21	3	.....
Total	16	684	83	16
Females				
Under 16 .....	.....	.....	.....	.....
16 years and over .....	.....	13	3	.....
Age not stated .....	.....	2	.....	.....
Total .....	.....	15	3	.....
Grand total	16	690	84	16
B. CAUSES OF ACCIDENTS.				
1. Machinery:				
Gearing, belts, shafting, pulleys, etc.	3	31	2	.....
Elevators, hoists, cranes	1	42	3	1
Saws, planers, lathes (power) .....	.....	52	53	.....
Presses, stamping machines .....	.....	103	1	1
Emery wheels, buffers .....	.....	28	.....	1
Cotton and woolen machines .....	.....	.....	.....	.....
Other machines and machine tools	1	124	22	9
Total—Machinery	4	380	79	13
2. Other causes:				
Hand tools (axes, saws, hammers, etc.) ..	.....	36	.....	1
Explosives of all kinds .....	.....	4	.....	.....
Hot liquids, acids, steam, molten metal, etc...	1	29	.....	.....
Collapse of building, falling objects, etc...	3	63	2	.....
Fall of person	3	28	.....	1
Loading, unloading, by hand	1	84	1	2
Vehicles, and accidents caused by horses ..	2	22	.....	.....
All others	3	58	2	.....
Grand total	16	690	84	16
C. RESULTS OF ACCIDENTS.				
1. Temporary disablement:				
Lacerations	1	122	16	1
Burns, scalds, etc.	1	48	.....	.....
Cuts	3	169	29	3
Bruises	4	122	1	1
Sprains and dislocations	1	14	.....	.....
Fractures	4	44	4	1
Other .....	.....	33	4	3
Total	14	552	64	9
2. Permanent disability				
Loss of one—				
Eye .....	.....	5	2	.....
Limb .....	.....	.....	.....	.....
Hand or foot .....	.....	5	2	.....
Other .....	.....	126	23	6
Loss of both—				
Eyes .....	.....	.....	.....	.....
Limbs .....	.....	.....	.....	.....
Hands or feet .....	.....	.....	.....	.....
Internal injuries .....	.....	.....	.....	.....
Total .....	.....	136	27	6
3. Death	2	4	3	.....
4. Not reported .....	.....	7	.....	1
Grand total	16	690	84	16

July, August and September, 1902.

V.	VI.	VII.	VIII.	IX.	X.	XI.	XII.	Total.
Chemicals, oils, paints.	Paper and pulp.	Printing and paper goods.	Textiles.	Clothing, millinery, laundrying.	Food, tobacco, liquors.	Water, gas, electricity.	Building.	
.....	.....	1	11	1	.....	.....	.....	17
.....	.....	.....	3	.....	.....	.....	.....	15
1	3	2	6	2	1	.....	.....	82
73	21	19	62	10	24	.....	.....	901
.....	.....	.....	2	1	.....	.....	.....	26
74	24	28	84	14	25	.....	.....	1,041
.....	.....	1	7	.....	3	.....	.....	11
.....	.....	2	36	2	3	.....	.....	59
.....	.....	.....	.....	.....	.....	.....	.....	2
.....	.....	4	43	2	6	.....	.....	72
74	24	26	127	16	31	.....	.....	1,113
8	1	1	28	.....	8	.....	.....	76
1	1	2	7	6	2	.....	.....	65
1	.....	3	.....	.....	.....	.....	.....	106
.....	.....	10	.....	1	.....	.....	.....	116
.....	.....	.....	57	.....	.....	.....	.....	29
9	14	7	57	9	12	.....	.....	57
14	16	23	101	15	22	.....	.....	213
.....	.....	.....	.....	.....	.....	.....	.....	664
8	.....	.....	2	.....	.....	.....	.....	47
3	.....	.....	.....	.....	2	.....	.....	9
10	.....	.....	3	.....	1	.....	.....	44
5	4	2	4	.....	3	.....	.....	86
5	2	.....	4	2	2	.....	.....	47
6	.....	.....	2	.....	.....	.....	.....	96
12	.....	1	1	.....	.....	.....	.....	38
11	2	.....	10	1	1	.....	.....	82
74	24	26	127	16	31	.....	.....	1,113
6	6	8	15	2	4	.....	.....	181
14	.....	.....	3	.....	1	.....	.....	67
9	2	2	40	4	3	.....	.....	284
15	4	5	18	1	2	.....	.....	178
13	2	2	9	.....	2	.....	.....	43
6	1	1	4	5	1	.....	.....	71
7	2	.....	11	.....	2	.....	.....	62
70	17	18	100	12	16	.....	.....	861
.....	.....	.....	.....	.....	.....	.....	.....	7
.....	.....	.....	1	.....	2	.....	.....	3
.....	.....	2	4	.....	.....	.....	.....	13
3	4	5	19	3	11	.....	.....	200
.....
.....
.....
3	4	7	24	3	13	.....	.....	223
1	1	1	2	1	3	.....	.....	18
.....	2	.....	1	.....	.....	.....	.....	11
74	24	26	127	16	31	.....	.....	1,113

BUREAU OF MEDIATION
Table VIII.—Industrial Disputes in

LOCALITY.	Date.	Occupation.	Num- ber of firms.	NUMBER OF EMPLOYEES AFFECTED.		
				Directly.	Indi- rectly.	Total.
				A. DISPUTES BEGUN IN		
Albany*	July 7-10	Horseshoers	29	60	.....	60
Batavia.....	Sept. 16.....	Paper box makers.....	1	50	25	75
		Others .....	.....	8	5	13
Binghamton	Aug. 9-16.....	Iron molders	1	18	.....	18
"	Aug. 18-18..	Concrete workers	1	24	.....	24
Buffalo*	July 8-9.....	Lithographers	1	18	.....	18
		Helpers .....	.....	18	.....	18
Cohoes, Troy and Waterford.	Sept. 4-6....	Foundry laborers.....	8	120	.....	120
Glens Falls.....	July 8	Cement burners	1	42	.....	42
Glens Falls and Vicinity.	Sept. 1 to Nov. 3.	Conductors, motormen, etc.....	1	200	.....	200
Gouverneur	July 22 to Aug. 5.	Quarrymen	2	34	13	47
Green Island....	Aug. 11-13..	Foundry laborers.....	1	35	51	86
Middletown*	July 23	Cigar makers	1	200	.....	200
Newburgh*	July 24 to Aug. 5.	Iron molders	1	15	.....	15
New York City..	July 9 to Sept. 15.	Shoe workers	1	100	.....	100
"	July 10-29..	Shoe workers	1	225	.....	225
"	July 24 to Aug. 1.	Bridge workers (iron and steel)...	1	350	.....	350
"	July 16	Printing pressmen and press feeders.	6	125	40	165
"	Aug. 2 to Sept. 1.	Painters	†100	650	.....	650
"	Aug. 18 to Sept. 8.	Blacksmiths (architectural, ma- chine and ship).	40	300	.....	300
"	Sept. 2-11...	Carpenters and joiners, cabinet makers, framers, machine wood- workers and stair builders.	†212	4,300	.....	4,300
"	Sept. 16-20..	Cigar makers	1	200	.....	200

* As reported in press dispatches. † Estimated. ‡ Including

AND ARBITRATION.

July, August and September, 1902.

Duration in days.	Aggregate days lost.	Alleged cause or object.	Result.
THIRD QUARTER, 1902.			
3	180	Demand for reduction of hours from 10 to 9 without decrease of pay.	Hours reduced from 10 to 9 without reduction in daily wage.
.....	.....	Demand for new shop rules and recognition of union.	Not terminated.
6	108	Demand for minimum day rate of \$2.65 in place of piece rates.	Strikers places filled by new hands.
5	120	Demand for increase in wages from \$1.75 to \$2.25 per day.	Wages increased to \$2.
2	72	Demand for union wages and shop.....	Wages increased and shop unionized as demanded.
8	380	Demand for 9 in place of 10 hours per day without decrease of pay.	Hours reduced to 9½ without change in day rates.
1	21	Demand for increase in wages of 12½ cents per day.	Wages increased as demanded. Subsequently wage advance was waived and hours were reduced from 12 to 8 per day.
54	10,800	Demand for reinstatement of member of union discharged for alleged negligence; afterwards demand for increase in wages from 16 and 18½ cents to 20 cents per hour.	Wages advanced to 17 and 19 cents, employees to separate from Troy union and form independent local body.
12	348	Demand for increase in wages from \$1.25 to \$1.50 per day.	Wages increased to \$1.40.
3	172	Demand for increase in wages of 25 cents per day.	Wages advanced 25 cents per day.
.....	.....	Strike against reduction of wages.....	Not reported.
11	165	Demand for 9 in place of 10 hours per day without decrease of pay.	Strike failed, strikers returning to work.
47	13,400	Employees locked out upon refusal to accept reduction in piece rates.	Full force of new hands employed.
16	2,600	Demand for increase of wages and other changes.	Compromise. Wages slightly advanced in some branches.
8	2,800	Strike in sympathy with striking steel workers in Philadelphia.	Strike failed, men returning to work.
.....	.....	Demand for union scale of \$14 per week..	Not reported.
24	15,600	Demand for increase of 50 cents per day and 8 hours per day with Saturday half-holiday.	Agreement embodying demands signed.
18	5,400	Demand for advance in wages of 10 per cent on rates of \$3 or less, 7½ per cent on \$3 to \$3.50 rates, and 5 per cent on \$3.50 rates or over.	Wages advanced from 5 to 7½ per cent.
9	118,000	Demand for increase in wages from \$3.84 and \$4 to \$4.50 per day for outside men, and from \$18 to \$20.79 per week for inside men.	Wages increased as demanded.
4	8	Demand for discharge of foreman.....	Foreman discharged.

two associations for which number of members not reported.

Table VIII.—Industrial Disputes in July,

LOCALITY.	Date.	Occupation.	Number of firms.	NUMBER OF EMPLOYEES AFFECTED.		
				Directly.	Indirectly.	Total.
A. DISPUTES BEGUN IN						
New York City..	Sept. 22 to Oct. 20.	Piano and organ workers.....	† 6	550	.....	550
"	Sept. 29 to Oct. 9.	Glass bevelers.....	‡ 2	46	40	86
Niagara Falls....	July 24 to Aug. 1.	Aluminum workers.....	, 1	78	.....	78
Oswego*.....	July 21 to Aug. 4.	Longshoremen.....	1	40	.....	40
"	Aug. 6.....	Boiler makers.....	1	34	.....	34
Peekskill.....	August 18 to Sept. 8.	Muslin underwear makers.....	1	302	98	400
Rensselaer.....	Aug. 21-27..	Felt goods makers.....	1	136	74	210
Rochester.....	Aug. 21.....	Machinists, metal polishers and metal workers.	1	62	.....	62
Sandy Hill.....	July 18-26..	Firemen	2	16	.....	16
		Paper makers and others .....	.....	50	400	450
Sayville.....	August 14 to Nov. 1.	Oystermen.....	9	270	.....	270
Schenectady* ...	July 9-16..	Horsehoers	‡ 1	24	.....	24
Schenectady	Aug. 28-9...	Cranemen (electric works).....	1	80	.....	80
		Yard conductors and motormen..	.....	20	.....	20
Syracuse	Aug. 10-18..	Quarrymen	1	344	.....	344
Utica	Aug. 14-16..	Teamsters	1	22	.....	22
"	Aug. 23-8...	Fire alarm apparatus makers.....	1	85	.....	85
"	Sept. 4-8....	Electrical workers (linemen)	5	60	.....	60
Westmoreland ..	Aug. 8.....	Iron molders.....	1	28	.....	28
		Total	441	9,289	746	10,035
B. DISPUTES BEGUN BEFORE JULY 1 BUT						
Elmira*	June 2 to Aug. 20.	Bridge workers (iron and steel) ..	1	400	.....	400
New York City..	April 1 to June 10.	Shoe workers.....	1	70	95	165
Oswego*.....	June 14 Aug. 7. to	Barbers	7	14	.....	14
		Total	9	484	95	579
		GRAND TOTAL	450	9,773	841	10,614

* As reported in press dispatches. † Estimated. ‡ An association;

August and September, 1902—Concluded.

Duration in days.	Aggregate days lost.	Alleged cause or object.	Result.
THIRD QUARTER, 1902.			
24	†8,000	Demand for 9 in place of 10 hours; also increase of wages, time and a half for overtime, double time for Sundays and holidays and abolition of contract system.	Demands granted by all but two firms.
9	774	Demand for 9-hour day without change in wages.	Nine-hour day established.
6	468	Demand for higher wages and recognition of union.	Strike failed.
12	480	Demand for higher wages.....	Compromise rate agreed to.
-----	-----	Demand for discharge of non-union man and for recognition of union.	Not reported.
18	7,200	Strike against reduction of wages, afterwards for recognition of union.	Terms of compromise settlement not published.
6	1,260	Strike against foreman recently appointed from among employees.	Foreman retained.
-----	-----	Demand for 9 hour day with 10 hours pay.	Not terminated.
7	2,262	Demand by firemen for three shifts of 8 hours in place of two shifts of 12 hours, others going out in sympathy.	No change in hours.
-----	-----		
66	†16,200	Demand for 9 hour day in place of 10 hour day.	9½ hours per day with 9 hours during January.
6	144	Demand for 20 to 50 per cent increase in wages.	Wages advanced 10 per cent.
1½	150	Demand for uniform and advanced rate of wages for all three classes.	Compromise on advanced rates in a graded scale.
6	2,064	Demand for advance in wages of 2 cents per hour and objection to three foremen.	Men returned to work on old terms.
2	44	Strike against discharge of union and employment of non-union teams.	Non-union teams discharged.
5	175	Strike against newly appointed foreman..	Foreman retained; part of strikers returned, places of others filled.
4	240	Demand for higher wages and shorter hours.	No change in conditions, men returning to work.
-----	-----	Demand for advance in wages.....	Not terminated.
-----	101,618		

TERMINATED IN THIRD QUARTER.

68	†15,000	Demand for recognition of union.....	Strike failed; part of strikers returned, places of others filled.
60	†7,700	Demand for recognition of union.....	Strike failed; part of strikers returned, places of others filled.
45	675	Refusal of boss barbers to close shops Friday afternoon in summer months after having granted the half-holiday with pay to employees.	Shops to close Friday afternoon during August and fines paid to union by employers.
-----	28,875		
-----	124,990		

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STATE OF NEW YORK

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DEPARTMENT OF LABOR

BULLETIN



PUBLISHED QUARTERLY

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OF THE

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3. Sixteenth Annual Report on Factory Inspection.

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Pt. 1. The Economic Condition of Organized Labor.

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III. Fifteenth Annual Report on Mediation and Arbitration. (424 pages.)

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II. Nos. 4-7, 1900. No. 7 is out of print.

III. Nos. 8-11, 1901. Nos. 9 and 10 are out of print.

IV. Nos. 12-15, 1902.

Departmental publications will be furnished free to citizens of New York, but recipients will be expected to pay express charges.

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